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memo w/att.	From Press to The President (15 pp.) re:M-X Weapons System <i>Sanitized copy opened 3/14/96</i>	12/2/77	A

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~~SECRET~~

THE PRESIDENT HAS SIGNED

*MX need absent silos?
Launch on attack policy*

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WASHINGTON, D.C. 20500

INFORMATION

December 2, 1977

MEMORANDUM FOR: THE PRESIDENT
FROM: FRANK PRESS JP
SUBJECT: M-X Weapons System

As you requested, I have been getting more involved in some of the military technology issues. I discussed this with Zbig, and he suggested that a vulnerability analysis of the M-X and cruise missile systems would be useful. Subsequently, I convened a panel of university and industrial experts for this purpose. I have attached the Executive Summary of the panel's report on the M-X and will send you a separate memorandum concerning our cruise missile analysis next week.

The panel examined the comparative vulnerability of the trench-based M-X system to the silo-based Minuteman and came up with several interesting conclusions:

- The threat to Minuteman is not so imminent or certain that commitment to an alternative system must be made in FY 1979.
- Minuteman will remain a significant survivable component of the US deterrent throughout most of the 1980s until the Soviets succeed in developing and deploying warheads of greatly improved accuracy.
- Due to its complexity, small area of deployment, and technical aspects of the trench design, the M-X trench system has potential vulnerabilities which require further assessment and considerable uncertainty remains in assessments of its survivability.
- In addition to novel basing systems, other less costly options for enhancing survivability of Minuteman including relatively simple defensive measures should be more fully explored.

On the basis of these conclusions, commitment to full-scale development of the M-X trench mobile system as proposed in the FY 1979 defense budget request (\$260 M) appears premature. I

~~SECRET~~

DECLASSIFIED

E.O. 12356, Sec. 3.4

PER 1/21/86 DDD HY RE MR-NLC-91-93
BY [Signature] NARS, DATE 2/13/96

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recognize that there may be overriding political considerations, such as the impact on the domestic SALT debate and international perceptions of US resolve, which in your judgment could necessitate support for the Defense proposal. However, on the technical merits of the issue, I would recommend that you defer full-scale development and substantially reduce funding for M-X in the FY 1979 budget, at least down to the level of effort provided in FY 1978 (about \$150 M).

The Panel also noted that a decision to develop a new missile can and should be made on considerations that are separable from those of maintaining ICBM survivability. These include the impact on crisis stability, concerns about aging of the Minuteman force, targeting requirements and political perceptions. The panel confined itself to vulnerability analysis for its initial effort, but if you think it would be useful, we will examine this broader issue as well.

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Report of the OSTP Vulnerability Panel
on
The M-X Missile System

*not for Minuteman III silo
Announce launch before
impact policy*

EXECUTIVE SUMMARY

I. The proposed M-X weapons system includes a missile which is larger, more accurate and carries more warheads than Minuteman III, and a mobile basing system to make the missile more survivable.

The proposed M-X funding plan for FY 79 allocates about \$200 M to missile development. This can be viewed as a commitment to the development of a substantially more capable missile. A decision to develop a new missile can and should be made on considerations that are for the most part separable from those of providing a new basing system to maintain ICBM survivability.

II. The vulnerability of Minuteman has properly been a matter of continuing concern, and it is not too soon to pursue alternatives to Minuteman silo-basing. However, the threat to the Minuteman is not so imminent or certain that commitment to the development of a specific alternative system must be made now.

III. Minuteman will remain a significant survivable component of the US deterrent throughout most of the 1980s, that is, until the Soviets succeed in developing and deploying an adequate number of warheads of greatly improved accuracy [REDACTED] Such accuracy can be achieved either in a new generation of Soviet missiles, or by an upgrade in accuracy beyond that now projected in Soviet systems presently deployed. We are basing this conclusion on evaluation of the destructive interaction among attacking warheads (i.e., fratricide), which makes two-on-one attacks very difficult for purposes other than to increase system launch reliability.

SANITIZED

E.O. 12356, Sec. 3.4

PER 1/3/96 DOD Hrv RE MR-NLC-91-93
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SECRET

IV. Conceptually, the trench-based M-X system has advantages in survivability over Minuteman III against attacks of very high accuracy. However, an assessment of its survivability can only be demonstrated through calculation and certain limited tests. Considering the complexity of the system, considerable uncertainty will remain in such assessments.

Survivability of the M-X relies on secrecy of location of the missile. If by technical or intelligence means the attacker can determine, even approximately, the location of the missile within the trench, the the M-X system survivability would be severely compromised.

Whereas the vulnerability of Minuteman is particularly sensitive to achievement of high accuracies, as noted above, the M-X is vulnerable to attack by large numbers of less accurate RVs.

M-X is based on a much smaller land area than is Minuteman. Therefore, the M-X trench-based system is considerably more susceptible to "pin-down" under protracted nuclear missile attack than is Minuteman III. The vulnerability of M-X to pin-down, in combination with a possible shoot-look-shoot attack on M-X requires further assessment.

V. In addition to novel basing systems, less costly options, such as defensive measures, for enhancing survivability of existing Minuteman silos should be more fully explored, recognizing that the defended area need be only a few hundred meters across, thereby allowing the use of relatively simple protection measures.

VULNERABILITY PANEL MEMBERS

Sol Buchsbaum*	Bell Laboratories
John Deutch	M.I.T.**
Richard Garwin	IBM
Marvin Goldberger	Princeton University
John Marcum	OSTP
W. K. Panofsky	Stanford Linear Accelerator Center
Jack Ruina	M.I.T.
Bud Wheelon	Hughes Aircraft

* Chairman

** Now with Department of Energy

THE OSTP VULNERABILITY PANEL'S ANALYSIS OF THE M-X SYSTEM

I. General Consideration for Follow-on Land-Based System

The Soviet Union appears to be developing another generation of land-based missiles beyond those now deployed. If this new generation leads to substantially improved accuracy and is deployed extensively, the survivability of the Minuteman force would be threatened. Minuteman survivability would also be threatened by a significant upgrade in accuracy in systems presently deployed (SS-17, 18 and 19) beyond that now projected. As a counter to this perceived threat, as well as to increase US hard-target strike capability, the US Air Force presently is focusing its efforts on the M-X program as a follow-on to the Minuteman. The M-X contemplates both a new missile with increased throw-weight, increased accuracy and increased number of warheads, together with a new type of a mobile basing system. Consideration of alternate basing schemes continues to be intertwined with the need for a missile of highly improved performance. We believe this is unfortunate and, in fact, counterproductive.

The questions of a new generation of missiles of enhanced performance and of alternate basing systems are technically separable at the present stage of the program. On the one hand, the present Minuteman silos could accommodate cold-launched missile systems with new payloads of throw-weight larger by as much as a factor of 4 than that of Minuteman III (i.e., larger than the SS-19 throw-weight). Conversely, the alternate basing systems designed to decrease vulnerability against Soviet attack could be developed (and at lower cost) to accommodate MM-III or other missiles considerably smaller than those under consideration for M-X.

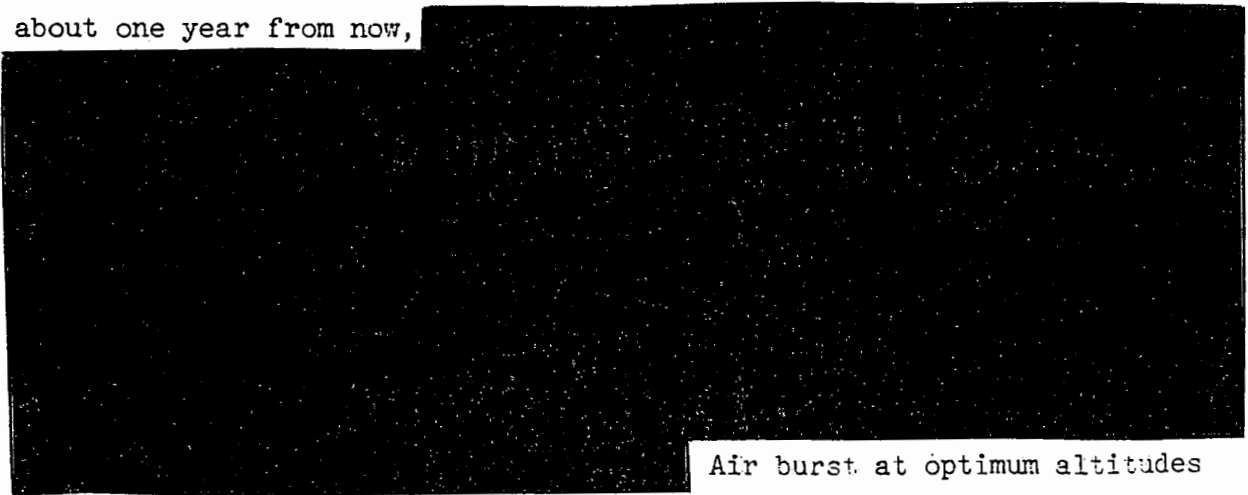
Development and deployment of a new missile system delivering greatly increased throw-weight and explosive yield, irrespective of its basing, would greatly enhance the perception of a hard silo counterforce threat against the opponent and therefore raises major issues. Among these are: (a) adequacy of the nuclear stockpile and possible need for reactivation of production facilities for special nuclear materials; (b) problems of

strategic instability induced by Soviet perception of vulnerability of their hard silos which currently contain about 75 percent of their retaliatory throw-weight; (c) the risk of increased collateral damage should such a high-yield missile force be used even against counterforce targets; (d) SALT considerations; and (e) the high cost of the new missile.

In this paper we will assume that the question of the need for a new missile will be analyzed separately on its own merit, and we will address ourselves only to the question of vulnerability of alternate basing systems in relation to the vulnerability of Minuteman III. However, we do note that for FY 79 a funding level of \$260M is proposed, of which about \$200M is dedicated to missile development. This can be viewed as a commitment to the development of a missile of large throw-weight and greater accuracy. Such a decision should be made on considerations separate from ICBM survivability.

II. THE EVOLVING VULNERABILITY OF MINUTEMAN III

Currently a hardening program of Minuteman III is in progress. With the exception of one wing, where the hardening will be completed about one year from now,



Air burst at optimum altitudes

(about 1,500 ft for 1 megaton) generates a somewhat higher overpressure than does a ground burst. However, the use of fuzing for air bursts (to be discussed below) may degrade the accuracy. [REDACTED]

[REDACTED] and it is not clear what improvements may be possible. Should an attacker use fuzing for air burst, additional options for defending the silos under attack become possible.

Estimates of Minuteman survivability require a projection of system reliability. Conventionally this quantity tends to be estimated as [REDACTED] but many military officers believe that under actual wartime military conditions the attacker could not rely on this large a value.

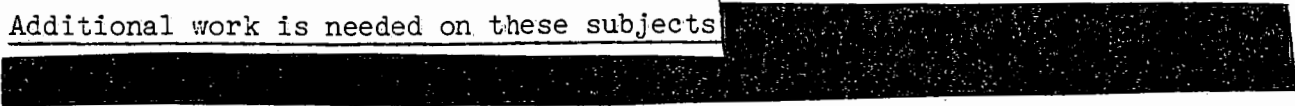
Currently the Soviet Union has about 450 launchers deployed or under construction which contain the SS-17, 18 or 19 new generation MIRVed missiles. The total number of warheads corresponding to the number of Soviet modern generation ICBMs now deployed is about 1900. Minuteman is clearly not endangered today as a viable arm of the deterrent triad. ?

In the absence of SALT constraints, the Soviet ICBM modernization program would probably lead to about 7800 warheads by 1985. If the current SALT sublimit of 820 MIRVed ICBM launchers remains, however, this number would be correspondingly smaller, perhaps about 5500 warheads. (This level could probably be reached by the end of 1980.) These numbers would lead to substantial Minuteman vulnerability in the future if more than one warhead could be successfully targeted against one Minuteman silo in order to compensate both for unreliability and inaccuracy.

Multiple warhead attacks on a single silo can compensate for system unreliability, but an increase in kill probability for a reliable warhead much beyond the single-shot kill probability is very difficult for an attacker to achieve in practice. This conclusion

stems from the destructive interaction among attacking warheads, so-called fratricide. A detonated missile warhead produces both a prompt and delayed impediment against a second warhead attacking the same silo successfully. Prompt fratricide arises from radiation effects, blast and the presence of the stem of the debris cloud. Delayed fratricide (lasting a large fraction of an hour or more) arises from the lofting of substantial amounts of earth to high altitudes. If an air burst is followed by a ground burst or air burst, then a window of, perhaps, 10-20 seconds appears to exist between prompt and delayed fratricide phenomena, permitting a second attack to be interposed. There is no time window between these two effects for a multiple ground burst attack on a single silo. In the air-burst case the attacker has to consider the additional uncertainties introduced because of the smallness of the time window and through the need for having to employ an air-burst attack mode.

Two factors produce uncertainties in an air-burst attack. These are reduction in accuracy and vulnerability to countermeasures. Height-of-burst fuzing introduces inaccuracies of its own. As a practical matter, the only method of sufficient accuracy known to us (and believed to be currently in use by the Soviets), is a radar altimeter. Simple calculations show that it would be possible to develop reliably and at reasonable cost altimeter-fuze jamming defenses deployed around Minuteman silos; means of spoofing such fuzes also appear feasible. Moreover, radar altimeter fuzing is expected to be difficult in a nuclear environment. The vulnerability of the air-burst fuze lends itself to a measure - countermeasure contest. Additional work is needed on these subjects



In addition to the technical uncertainties that exist in avoiding fratricide, there are extremely serious operational problems an attacker must face in executing a massive attack on a target on which he has never fired. He must successfully execute the attack with high precision of arrival time and impact point for thousands of warheads and yet have

extremely high confidence in its outcome. There are differences of opinion on whether such an attack is operationally feasible. Since the US has no experience in realistically planning such an attack, and since the US Minuteman force has different technical flight and control characteristics than those of the Soviet missile force, we have little basis for judgment about the operational feasibility of such an attack.

Quite apart from the above considerations, an attacker would always have to accept the risk that the United States might have adopted a launch-before-impact attack doctrine. This additional risk would contribute to the deterrent effect of Minuteman, independent of technical vulnerability considerations. In addition, the attacker would have to assume that the US would attempt to launch during an attack in progress, thus preventing long roll-back attack scenarios to prevent fratricide from one silo to the next one.

Thus, we conclude that the present generation of SS-17, SS-18 or SS-19 missiles, even if deployed in increased numbers and possessing the accuracy projected for 1980, poses no unacceptable threat to the Minuteman force. A substantial increase in the accuracy of the missile would be required [REDACTED] either through an upgrade of the present USSR force beyond that presently projected, or through the development and deployment of a new generation of missiles. It would be difficult for such a threat to materialize before the mid-1980s.

[REDACTED]

In summary, vulnerability of Minuteman should be of continuing concern. However, we do not believe that the threat is either imminent or certain. Our reasons for this conclusion are:

(a) [REDACTED]

(b) A new generation of Soviet missiles is now beginning development. For such a new generation to severely threaten Minuteman, accuracies corresponding to [REDACTED] would have to be realized. This is near the limit of present US technology.

(c) Completion of development of a new generation of Soviet missiles will take us into the early 1980s and completion of deployment into the late 1980s.

In view of the foregoing, there is time to develop with care the best protection system for the land-based missile arm of the strategic triad. In addition to rebasing options such as the ones contemplated for M-X, there are several much less costly, short lead-time measures available, which may be able to protect the very small area over which Minuteman is threatened.

III. The Utility of Alternate Basing Schemes: Comparison with Minuteman

The objective of alternate basing schemes would be to preserve adequate retaliatory power. For reasons of cost the alternate basing schemes centered on the M-X concept currently focus on total deployments of 200-300 missiles.

The basing concept of M-X is not as yet frozen. Alternate basing options have been considered in numerous studies, including (a) protected underground mobile deployment (e.g., lakes); (b) protected deployment along a surface line (trenches or canals); and (c) protection through a multiplicity of dispersed fixed aim points. In addition, several mobile but unprotected schemes have been analyzed. We have not dealt with the policy issues inherent to deceptive basing or mobile deployment, particularly in a SALT context, but only with vulnerability and practicality.

Unprotected mobile deployment has properly been rejected because public acceptability would restrict available deployment areas to such an extent that vulnerability to a possible barrage attack would be unacceptable.

Among the hardened and mobile systems consideration has focused on a concept in which the missile moves underground in a trench of moderate hardness. Under attack, the missile can break out of its trench and be able to fire. This system has not been well defined and optimized in regard to hardness of trench vs. hardness of local missile enclosure, length of trench per missile, number of protective plugs, etc. This lack of definition makes a current evaluation of its vulnerability relative to that of Minuteman difficult. Other systems, relying on shuttling a number of missiles among a larger number of hardened shelters, remain under consideration.

The efficacy of systems of this kind depends critically on

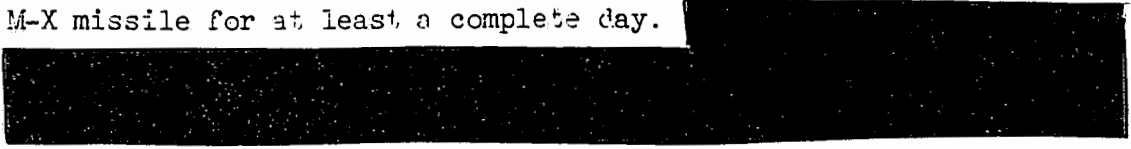
- (a) detailed understanding of the vulnerability of such a deployment;
- (b) confidence in maintenance of command and control; (c) confidence in the lack of detectability of the location of the missile by an attacker;
- (d) the threat of "pin-down" preventing firing during enemy attack.

The system considers the deployment of some 200 missiles in a trench about 4,000 miles in length; that is approximately 20 miles of trench per missile.

- (a) Vulnerability of Trench Deployment. There is considerable uncertainty in evaluating the vulnerability of a trench system under nuclear attack. Since a trench facilitates the propagation of damage-causing shocks, it increases the damage radius which a given size nuclear explosion produces. Therefore, the enhanced survivability of a trench-based system must be based on deception rather than hardness. Here a comparison of M-X with Minuteman III would depend on complex trade-off and exchange ratio calculations which have as yet not been made.

The vulnerability radius to attack by a one-megaton warhead depends on detailed engineering of the trench system and might be about $\frac{1}{2}$ mile; if this number were precise, then the attacker would allocate 20 RVs per M-X missile and would space them at one-mile intervals. In other words, a total force of 4,000 arriving reliable RVs, but only of moderate accuracy, could destroy an entire force of 200 M-X missiles, deployed in a 4,000-mile trench. Since the vulnerability radius might vary considerably about the mean estimate, an attacker should expect some surviving M-X. If we assume that there is a wide scatter of vulnerability radius above the mean value, then the number of M-X survivors might be as high as 70. Naturally, larger numbers of attacking RVs would be needed for defeating M-X if the vulnerability radius becomes smaller. In particular, if the damage radius is below $\frac{1}{3}$ mile, the attacker would face fratricide problems similar to those discussed above, thus enhancing the survivability of M-X. Moreover, the small area of deployment of M-X makes it infeasible to consider an attack in which the RVs are separated in time to prevent fratricide from neighboring RVs.

There are many physical factors which would control the kill radius due to an enemy nuclear burst against a missile located in a trench which are still uncertain. Let us name some examples. If a fireball is actually produced in the trench, then the kill radius is apt to be very large. The matter of repeated loading of the missile environment may give serious trouble under multiple attack conditions. The displacement and velocity of the M-X missile due to the RV explosion as a function of the geological environment needs further evaluation. There are many further questions of detailed response of a system as complex as the one considered which are probably impossible to answer, even with a very extensive testing program within the limits of the Limited Nuclear Test Ban.

- (b) Command and Control. Reliable command and control is more difficult to achieve for the trench-based system than for Minuteman. We have not studied this matter in detail but note that the Scientific Advisory Board of the Air Force has examined this question and judged that "a survivable and flexible command and control system for M-X can be designed within the state-of-the-art." However, a great deal of additional work has to be done. Moreover, the reliability of such a system under attack conditions is difficult to evaluate.
- (c) Detectability. The success of the M-X basing system depends critically on being able to hide the precise position of the missile within the tunnel. If the opponent can attack the missiles on any but a random basis, then whatever survivability advantage there may be relative to Minuteman would be degraded or lost. Therefore, the matter of surveillance threats through visible or infra-red emissions, seismic detection, and interception of communications or RF emissions is a very real problem. Even with correct physical design, continuing vigilance would be needed to prevent possible compromise of the missile position through such means.
- (d) Pin-Down. There is one factor which increases vulnerability of a trench-based system relative to Minuteman. Considerations of site availability restrict the total land area for M-X trench-basing to approximately 4,000 square miles, while the area over which Minuteman is deployed is about 100,000 square miles. This large differential makes M-X much more vulnerable to area types of attack. In particular, once an attack against a trench-based M-X has started, the arsenal of SLBM and ICBM warheads available to the Soviets by the end of the next decade could prevent a successful launch of an M-X missile for at least a complete day.
- 

In summary, an attack against M-X will in principle "draw" a larger number of enemy RVs than would the Minuteman force. However, we are not persuaded that from the point of view of assuring surviving missiles after attack, that the M-X trench system offers a net improvement over Minuteman III. Due to the very complexity of the M-X system a comparison between the two systems is very difficult to make with confidence.

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KIRBO HAN Banquet
VACATION - OLDER / 12/77
RIDE - BUSY - A F1

CONGRESS - ENERGY
NAVY - DEMO CONN.

GA POLITICIANS

64 - MA - ANTHEM

CHIP - BROWN

MURIEL - MOUTRIE -

RECEIPT - MAIDS

WILL YOU SPEAK - VP.

EUROPE TRIP

MOTHER - PEACE CARDS

68 - TRAGEDY - LOYALTY

BROWNIES

CAMPAIGN - PREFER HAN

PRESIDENT - BEST IN

AMERICA. OVAL OFF

PROUD -

KNOW WHEN TO STOP


THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

December 2, 1977

Q

MEMORANDUM TO THE PRESIDENT

FROM: FRANK MOORE
JIM FREE
BOB THOMSON 
RE: NATURAL GAS CONFERENCE

The natural gas conference opened at 11:00 this morning with speeches by all the major figures. Nothing substantive was done. However, staff contacts will continue over the weekend and the work will begin again Monday morning. Following are notable quotes from the opening round of speeches. We hope these exhausted the conferees' supply of rhetorical excess.

Senator Jackson - Said we could conceivably have no bill; important differences must be decided by end of next week.

Senator Durkin - Blasted his good friend Secretary Schlesinger; "His positions are like New England weather - wait 15 minutes and they change."

Senator Metzenbaum - If he gets 10 votes, he is prepared to ask that the Senate recede; "natural gas and energy taxes are not related."

Senator Abourezk - Both House and Senate bills are gifts to gas industry.

Senator Johnston - Louisiana would be better off without a bill, but he realizes the country needs a bill; differences are not that large; wants work expedited.

Senators Hanson and Bartlett - strongly advocated deregulation but admit Congress is almost evenly divided on the issue.

Congressman Dingell - We have already achieved a major reform by passing three of the bills. Emphasized adverse impact of deregulation on consumers.

Congressman Eckhardt - gave a brilliant economic analysis against deregulation; said that certainty was the most important element in pricing.

Congressman Wilson - "If Sadat can go to Jerusalem, we can work out natural gas."

Congressmen Brown (Ohio) and Collins (Texas) - strongly advocated deregulation.

Congressman Brown (Mich.) - hopes you will become a "born-again deregulator".

Before the conference began, we met with lobbyists for the consumer interests. They deplored the perception that you will accept a bill at any cost. They say we should tell people we will wait until next year if a strong bill cannot be worked out before Christmas. We believe that strategy would guarantee that no bill would be forthcoming soon.

The consumer people did make a good suggestion that we file comments supporting the FERC petition filed by the Nader group. The petition alleges intrastate natural gas is already subject to regulation under current law, at a lower price than that in the NEP. This would increase pressure on deregulation advocates to work for a bill that you can sign.

Congressman Dingell is very concerned about the Conference moving too fast on natural gas. He feels that we should declare victory on the three parts we have and continue working on gas, but with time to come up with a compromise close to what we want.

MEMORANDUM

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

C
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INFORMATION

2 December 1977

TO: THE PRESIDENT
FROM: RICK HUTCHESON *R.H.*
SUBJECT: Memos Not Submitted

1. SECRETARY KREPS sent you a suggestion that you give Sen. Humphrey the Medal of Freedom.
2. BARBARA BLUM sent you a memo regarding her recent discussions in Western Europe on the control of toxic substances. "US leadership in implementing the Toxic Substances Control Act is serving as a spur to international action... We also agreed to hold a second international conference on regulation of chlorofluorocarbons... In most of the countries, we agreed to work with our counterparts to identify a few high-priority topics as subjects for increased bilateral efforts."

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THE WHITE HOUSE
WASHINGTON

November 30, 1977

The Vice President
Zbig Brzezinski

The attached is forwarded to
you for your information.

Rick Hutcheson

INTERNATIONAL CONFERENCE --
EPA

*for
summary*

THE WHITE HOUSE
WASHINGTON

	FOR STAFFING
/	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION
FYI

(for summary)

	/	MONDALE
		COSTANZA
		EIZENSTAT
		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		LANCE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
/	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

28
RL

THE SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230


November 21, 1977

Dear Mr. President:

It has come to my attention that a group of leading citizens has written to you with the suggestion that you bestow the Medal of Freedom on Senator Hubert Humphrey.

Needless to say, I endorse this request. I can think of no one more worthy than Senator Humphrey to receive this high honor from his country and his President.

Respectfully,


Juanita M. Kreps

The President
The White House
Washington, D.C.
20500



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 29 1977

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Travel to Western Europe
November 1-11, 1977

I recently met with the senior environmental officials in The Netherlands, Norway, Sweden, Denmark, and the Federal Republic of Germany. In my discussions I described your position as our first environmental President and noted your commitment not only to domestic programs but also to the larger issues requiring global action.

There was a universally positive and enthusiastic reaction to this. U.S. leadership in these areas is very important, since environmental consciousness and action generally are behind our own, and the Western Europeans look to us as a model.

The most important subject we covered was the control of toxic substances. Europeans are responding positively to the pressing need for cooperation to coordinate technical aspects of toxic substances control in order to facilitate a smooth transition for the international chemical industry, which accounts for \$75 billion per year in world trade. As a follow-up, I met last week with a senior representative of the Swedish Government to outline an informal international meeting on this subject which will take place in Sweden next spring. Here again, U.S. leadership in implementing the Toxic Substances Control Act (TSCA) is serving as a spur to international action.

We also agreed to hold a second international conference on regulation of chlorofluorocarbons. It will probably be held in Germany next summer as a follow-up to the meeting which EPA convened here in Washington last April.

In most of the countries, we agreed to work with our counterparts to identify a few high-priority topics as subjects for increased bilateral efforts. Key areas, in addition to toxic substances and chlorofluorocarbons, are auto emissions, solid waste, wastewater treatment, and drinking water supply. In some cases we will be developing closer contacts on items of particular interest. For example, we will expand upon the good initial efforts EPA has already taken with the Norwegians on prevention and cleanup of oil spills, which is critical to their North Sea operations and to our proposed work in the North Atlantic and off Alaska. This type of mutual benefit will be the objective of any bilateral activities we undertake. On the basis of this initial series of meetings, I am optimistic about achieving that objective.

A handwritten signature in cursive script, appearing to read "Barbara".

Barbara Blum
Deputy Administrator



THE PRESIDENT HAS SEEN.

Office of the Attorney General
Washington, D.C.

December 2, 1977

MEMORANDUM FOR THE PRESIDENT:

As we discussed today, I enclose portions of the chapter in Sandburg's Lincoln where Leo Tolstoy describes to tribal chiefs in Russia about Lincoln's greatness. I also enclose a photo copy of the Encyclopedia Britannica entry on Tolstoy.

Respectfully,

Griffin B. Bell

Griffin B. Bell
Attorney General

(By TA
By permission)

Enclosures

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Also "The workman dies, but the work goes on" and its variant, "God buries his workmen, but carries on his work."

On one arch of crape and white over Broadway in New York ran the sentence "The great person, the great man, is the miracle of history."

Often from Matthew 9:15 was the verse intoned on Easter Sunday: "And Jesus said unto them, Can the children of the bridechamber mourn, as long as the bridegroom is with them? but the days will come, when the bridegroom shall be taken from them, and then shall they fast."

CHAPTER 75

A TREE IS BEST MEASURED WHEN IT'S DOWN

ON the Saturday following Good Friday thousands of sermons were laid away as of no use for Easter Sunday. A new sermon had to be written or extemporized after the news arrived on Saturday forenoon or afternoon that the President was dead. The pastor who failed to deal with the national grief heard from his flock. The *Boston Herald* instanced the Reverend Mr. Massey of Bellingham, Massachusetts, who preached by exchange in Medway village, "never deigning to mention the death of our good President," wherefore "a resolution was passed by the congregation, pointedly condemning his course, and giving him fifteen minutes to leave town; he left instanter."

In great stone cathedrals of the cities, in modest frame churches of small towns, in little cabin churches at country crossroads, in hospital chapels and in at least one State prison, on navy ships and in outdoor army-camp services, there were Easter Sunday sermons memorializing the dead President.

The outpouring from thousands of pulpits from coast to coast rather uniformly dwelt with varied emphasis and feeling on the same themes: the shock of the news coming in the midst of jubilation over the war ending; the day of the crime being Good Friday among Christians and the Fort Sumter anniversary to patriots; the President slain in a theatre and the slayer an actor and a monster not to be named; the hand of Providence in the event and the design of the Almighty inscrutable; death comes to each and all, wherefore lead the good life enjoined by the Scriptures; the President's martyrdom enshrines him with world immortals; the Republic will nevertheless go forward.

A large minority of the Protestant ministers made reference to the President meeting death in a playhouse and directly or by inference spoke their regret. Some were full and explicit about this, not condemning, but reluc-

In Germany many bunds and vereins, workmen's clubs, co-operative societies, labor journals, spoke their loss. Through Bismarck came the regrets of the King of Prussia. In the Landtag were sentiments given such as one from Wilhelm Löwe: "The man who never wished to be more nor less than the most faithful servant of his people, will find his own glorious place in the pages of history. In the deepest reverence I bow my head before this modest greatness." In Austria one parliamentary deputy noted a human memory taking on "supernatural proportions," Lincoln becoming "a myth, a type of the ideal democracy." In Sweden flags were ordered at half-mast on the ships in harbor at Göteborg and there were expressions such as the *Nya Daglig Allehanda* of Stockholm saying: "It is a beautiful death, and Lincoln forever will be surrounded by the rays of impeccable glory. The time for impartial judgment will not come for many years."

In the harbor of Stockholm flags hung at half-mast on all ships. Excitement and sorrow rooted partly in Swedish sentiment over the victory of the *Monitor*, designed by John Ericsson and carrying guns invented by Admiral John Adolph Dahlgren. A song of many verses that was to become a folk ballad arose reciting the shock and grief over "the killing of Abraham Lincoln." One observer wrote: "Our men clenched their fists in vain fury and our blue-eyed women shed many tears in memory of the remarkable man."

In the harbors of Norwegian cities also flags were at half-mast. Thousands in that country had blood relations in Wisconsin and Minnesota regiments. Young Henrik Ibsen in a flowing turbulent poem, "The Murder of Abraham Lincoln," challenged Europe's right to mourn over the passing of the foremost son of democracy in the Western world. Rulers were accused by Ibsen of "vows forgotten and words untrue," of "treaties ye tear and despoil," of "perjured oaths" that "have fertilized history's soil." From the American continent the words and decisions of Lincoln had reached Ibsen, and he felt called on to repudiate and blame those he deemed insincere mourners over the martyr Lincoln.

In the Orient, China, Japan, and Siam framed resolutions of condolence. At a religious meeting of Negroes of the Sea Islands one voiced a wish that he might see Lincoln and heard from an old silver-head: "No man see Linkum. Linkum walk lak Jesus walk—no man see Linkum."

To the four corners of the earth began the spread of the Lincoln story and legend. He was wanted. What he seemed to mean was reached for. Hunger and love told men to search him. Travelers on any continent came to expect in humble homes the picture of Lincoln, readiness to talk about him. Of the hundreds of incidents in this field none stood more fascinating than one from Leo Tolstoy of Yasnaya Polyana, Russia, saying: "If one would know the greatness of Lincoln one should listen to the stories which are told about him in other parts of the world. I have been in wild places where one hears the name of America uttered with such mystery as if it were some heaven or hell. I have heard various tribes of barbarians discussing the New World, but I heard this only in connection with the name

Lincoln. Lincoln as the wonderful hero of America is known by the most primitive nations of Asia."

Traveling in the Caucasus, Tolstoy happened to be the guest of a Circassian tribal chief, a devout Mussulman who lived in the mountains far from civilized life, with vague and childish understanding of the outside world. He received Tolstoy with the best of food and drink, after the meal asking his guest to tell him about the outside world, listening with no particular interest till Tolstoy spoke of great statesmen and great generals. Then the tribal chief called in neighbors and sons to listen, wild-looking riders, sons of the wilderness seated on the floor and looking up with a hunger for knowledge. Tolstoy talked about Russian czars and their victories, about foreign rulers and generals. As to Napoleon they wanted more details, asked how his hands looked, how tall he was, who made his guns and pistols, the color of Napoleon's horse. Tolstoy did his best, but could hardly satisfy them when he had told all he knew about Napoleon. Then the chief, a tall, gray-bearded rider, smelling of leather and horses and the earth itself, arose and said very gravely:

"But you have not told us a syllable about the greatest general and greatest ruler of the world. We want to know something about him. He was a hero. He spoke with a voice of thunder, he laughed like the sunrise and his deeds were strong as the rock and as sweet as the fragrance of roses. The angels appeared to his mother and predicted that the son whom she would conceive would become the greatest the stars had ever seen. He was so great that he even forgave the crimes of his greatest enemies and shook brotherly hands with those who had plotted against his life. His name was Lincoln and the country in which he lived is called America, which is so far away that if a youth should journey to reach it he would be an old man when he arrived. Tell us of that man."

Others shouted, "Tell us, please!" and promised Tolstoy they would pick the best horse in stock and give him as a present.

Tolstoy saw their faces shining, eyes burning. He saw rough mountaineer tribesmen thirsting to hear about Abraham Lincoln. He told them of Lincoln as a wise man, a ruler who came from poverty and the plainest of common people. They asked questions. Nine out of ten Tolstoy couldn't answer. They wanted to know all about Lincoln's habits, about Lincoln's influence on the people, how tall he was and how heavy a load he could lift. And they were astonished to hear that Lincoln wasn't much to look at when riding a horse.

"Tell us why he was killed," said one. Tolstoy did his best, gave them every last item he had about Lincoln. They were lighted over what he told them, spoke "wild thanks," and the next morning when Tolstoy was leaving the chief brought him a fine Arabian horse as a present for the marvelous story.

One rider went along with Tolstoy to the next town, where Tolstoy hoped to get a picture to send back for the tribe. He managed to find a large photograph of Lincoln. He handed this to the tribesman, who took it

with a grave face and man in prayer, his eyes so sad. The answer:

"I am sad because I Don't you find, judging that his lips are sad with

To Tolstoy the name of Lincoln was a world folk legend. Tolstoy or Washington, no others. Then, ran the national heroes? He moral powers and great experience brought him to ment is love." And music, Dante in poetry, life. He aspired to be d

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with a grave face and hands a little shaky, studied it several minutes like a man in prayer, his eyes filled with tears. Tolstoy asked why he had become so sad. The answer:

"I am sad because I feel sorry that he had to die by the hand of a villain. Don't you find, judging from his picture, that his eyes are full of tears and that his lips are sad with secret sorrow?"

To Tolstoy the incident proved that in far places over the earth the name of Lincoln was worshiped and the personality of Lincoln had become a world folk legend. Tolstoy believed Lincoln no great general like Napoleon or Washington, nor as skilled a statesman as Frederick the Great and others. Then, ran the inquiry, why should Lincoln overshadow all other national heroes? He was supreme, reasoned Tolstoy, through "peculiar moral powers and greatness of character." Many hardships and much experience brought him to the realization "that the greatest human achievement is love." And making this specific: "He was what Beethoven was in music, Dante in poetry, Raphael in painting and Christ in the philosophy of life. He aspired to be divine and he was."

On a highway of mistakes he walked true to one main motive, the benefit of mankind. "He was one," continued Tolstoy, "who wanted to be great through his smallness. If he had failed to become President, he would be no doubt just as great, but only God could appreciate it. The judgment of the world is usually wrong in the beginning and it takes centuries to correct it. But in the case of Lincoln, the world was right from the start. Sooner or later Lincoln would have been seen to be a great man, even though he had never been an American President. But it would have taken a great generation to place him where he belongs."

Any form of heroism is doomed to be forgotten unless rooted in four abstractions made concrete in behavior. These Tolstoy would name: humanity, truth, justice, pity. The greatness of Aristotle or Kant he saw as insignificant compared with the greatness of Buddha, Moses, and Christ. "The greatness of Napoleon, Caesar or Washington is moonlight by the sun of Lincoln. His example is universal and will last thousands of years. Washington was a typical American, Napoleon was a typical Frenchman, but Lincoln was a humanitarian as broad as the world. He was bigger than his country—bigger than all the Presidents put together."

Of all great national heroes and statesmen of history Tolstoy would say "Lincoln is the only real giant." He named many of these heroes to find them lesser than Lincoln "in depth of feeling and in certain moral power." Deep mystic shadows and a dazzling bright aura gathered around Lincoln's memory for the famous Russian who put his seal and blessing on it with ecstatic prophecy. "Lincoln was a man of whom a nation has a right to be proud. He was a Christ in miniature, a saint of humanity whose name will live thousands of years in the legends of future generations. We are still too near his greatness, and so can hardly appreciate his divine power; but after a few centuries more our posterity will find him considerably bigger than we do. His genius is still too strong and powerful for the common under-

standing, just as the sun is too hot when its light beams directly on us."

The question raised and dealt with by thousands of American clergymen on Easter Sunday of '65 struck Tolstoy too. Was Lincoln's death not fore-ordained by a divine wisdom and was it not better for the nation and for his greatness that he died just in that way and at that particular moment? Tolstoy would answer: "We know so little about that divine law which we call fate that no one can answer. Christ had a presentiment of his death, and there are also indications that Lincoln had strange dreams and presentiments of something tragic. If that was really the fact, can we conceive that human will could have prevented the outcome of the universal or divine will? I doubt it. I doubt also that Lincoln could have done more to prove his greatness than he did. I am convinced that we are but instruments in the hands of an unknown power and that we have to follow its bidding to the end. We have a certain apparent independence according to our moral character, wherein we may benefit our fellows, but in all eternal and universal questions we follow blindly a divine predestination. According to that eternal law, the greatest of national heroes had to die, but an immortal glory still shines on his deeds."

Another interpretation of divine interposition came from Ralph Waldo Emerson, speaking on April 19 before neighbors and fellow townsmen in Concord, Massachusetts. He saw a serene Providence ruling the fate of nations. "It makes its own instruments, creates the man for the time, trains him in poverty, inspires his genius, and arms him for his task." From this proceeded the inquiry: "What if it should turn out, in the unfolding of the web, that he [Lincoln] had reached the term; that this heroic deliverer could no longer serve us; that the rebellion had touched its natural conclusion, and what remained to be done required new and uncommitted hands,—a new spirit born out of the ashes of the war; and that Heaven, wishing to show the world a completed benefactor, shall make him serve his country even more by his death than his life?"

Emerson from his New England point of lookout believed in effect that Lincoln in his policy of conciliation, pardon, no trials or hangings of rebels on treason charges, misread Heaven and the Divine Will. (Yet Lincoln no less than Emerson tried to scan the counsels of the Most High. It was plain in Lincoln's once telling a visitor that he didn't care so much whether the Lord was on his side; he wished rather he could be sure that he was on the Lord's side.) What Emerson now feared was that Lincoln had guessed wrong as to the desires of Providence and therefore had been removed from his place as President. Where Tolstoy and many pulpit speakers held that God had inscrutable purposes in permitting the hand of the assassin to kill the President, Emerson and those of his viewpoint believed they could read more precisely what God intended and the motive of Heaven was not after all entirely inscrutable. Ben Wade's slant at Lincoln as having "too much of the milk of human kindness" Emerson rendered in two sentences not altogether cryptic: "The kindness of kings consists in justice and strength."

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April 19 his medita-
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which, in the present
America."

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Curious it was th-

TOLSTOI

until March 1836 that the subsequently returned to Canada. Their place in the assured and in 1934 the memorial at Tolpuddle.

(A. Brl.)

ANTINOVICH, Count and dramatist, an outstanding relative of the aristocratic family at St. Petersburg (old style), 1817, and was the province of Chernigov, Petersburg, where he was Alexander II. After studying as attached to the Russian field various honorary posts in Europe. He died on his 10 (N.S.; Sept. 28, O.S.),

th *Upr* ("The Vampire"; influenced by German Romanticism with his two cousins, the comic verse under the "Prtukov" is portrayed as a satisfied, naive, pompous writing; his "works" include them complete nonsense, and Russian nonsense poetry. Under Tolstoi's own name: The Dream of Councilor bureaucracy and political *ukogo* ("History of the Russian autocracy. These works at who has turned his back been his.

ent a deep interest in Russian with the unsatisfactory popular historical works is *Prince Serebrenni*, 1874), inspired by Walter Scott and a gallant nobleman who is terrible. His dramatic trilogy centuries belongs to Russia's three plays—*Smert Ioanna the Terrible*, 1869), *Tsar Ioannovitch*, 1924), and verse and inspired to some character study of a good masterpiece. In the same using the subject matter of idealized historical figures.

considerable range of style and serious verse as well as non-love and nature poems, he t. John Damascene's prayer trans. by M. Baring in the . His narrative poems in- . the humorous story of a and the majestic "Drakon" verses occasionally seem versatile master of Russian y has been set to music by rskov, and others.

ent, collected works in 4 vol., (8); A. Lirondelle, *Le Poète* (R. F. Hl.)

AEVICH (1883-1945), a and short-story writer, was ec. 29, 1882, old style), at n of a count, he was brought He took up writing when r, publishing a volume of

Symbolist poems (*Lirika*, 1907), a book of short stories (*Zavolzhe*, 1910), and two short novels *Chudaki* ("The Eccentrics"; 1910) and *Khromoi barin* ("The Lame Squire"; 1912). After five years in emigration (1919-23) he decided to settle in the U.S.S.R., where he became one of the most widely read and highly paid Soviet novelists. He died in Moscow on Feb. 23, 1945.

Tolstoi's most extensive work is the trilogy of novels, *Khozhenie po mukam* (translated as *Road to Calvary*, 1946). Consisting of *Sestry* ("Sisters"; 1920-21), *Vosemnadsyati god* ("The Year 1918"; 1927-28), and *Khmuroe utro* ("A Dull Morning"; 1940-41), it is a study of Russian intellectuals converted to the Bolshevik cause during the Civil War. For this, and for his long, unfinished, historical novel *Petr Pervy* (1929-45; *Peter the First*, 1956), Tolstoi received Stalin prizes. His masterpiece, however, is probably *Detstvo Nikity* (1921; *Nikita's Childhood*, 1945), the partly autobiographical study of a small boy's life. A prolific writer, Tolstoi also pioneered Soviet science fiction with *Aelita* (1922), wrote a short propagandist novel *Khleb* (1937; *Bread*, 1938), and adapted a popular children's story *Zolotoi klyuchik* (1936; *The Golden Key*, 1947).

For portrait, see article RUSSIAN LITERATURE.

See D. Fedotoff White, "An Aristocrat at Stalin's Court," *The American Slavic and East European Review*, vol. ix, no. 3 (1950); V. Shcherbina, A. N. Tolstoi: *tvorcheshki put* (1956). (R. F. Hl.)

TOLSTOI, LEV (LEO) **NIKOLAEVICH**, COUNT (1828-1910), Russian author, reformer, and moral thinker, and one of the world's greatest novelists. He was born on Sept. 9 (new style; Aug. 28, old style), 1828, on the family estate at Yasnaya Polyana, about 100 mi. (160 km.) south of Moscow, in the Tula province.



THE BETTMANN ARCHIVE

TOLSTOI AS A RUSSIAN OFFICER IN THE CRIMEAN WAR, 1854-57

Disgusted with this shiftless existence, Tolstoi in 1851 joined his soldier-brother Nikolai in the Caucasus. In the following year he also entered the army and acted with bravery in several engagements against the hill tribes. Much of his leisure he spent in writing, completing his first published work, *Detstvo* (1852; *Childhood*), which appeared in Nekrasov's magazine *Sovremennik* ("The Contemporary"). Transferred to the Danube front in 1854, Tolstoi participated in the siege of Sevastopol during the Crimean War. He describes these experiences in his Sevastopol sketches (1855-56), in which he contrasts the simple heroism of the common soldier with the false heroics of military leaders. At the end of the fighting in 1856 he left the army and went to St. Petersburg, where he became the idol of the competing literary groups that sought his support of their social and aesthetic views. A pronounced individualist, he rebuffed the coteries and left for Yasnaya Polyana.

He went abroad in 1857, to France, Switzerland, and Germany. The criticism of stories based on his travels (e.g., *Lucern*, 1857) caused him to lose interest in literature. Besides, he had become concerned with the poor state of education among the peasantry, and on his return he started a school for peasant children at

TOLS

Yasnaya Polyana. The success of his original teaching methods, which anticipated modern progressive education, drew him deeper into pedagogical studies. He journeyed to Europe again in 1860-61, visiting Germany, France, Italy, England, and Belgium, and investigating educational theory and practice. Absorbed by this interest, he published an educational magazine, in which he developed his pedagogical theories, and compiled textbooks that won wide acceptance because of their simplicity and attractive approach.

In 1862 Tolstoi married Sonya (Sofiya) Andreevna Bers, a girl who came from a good family. He dropped his educational activities and for the next 15 years devoted himself with all his ardent nature to married life. For the most part it was an intense but happy existence, and 13 children were born. He now managed his estate with much success and resumed writing, creating his two greatest masterpieces, *Voyna i mir* (1863-69; *War and Peace*) and *Anna Karenina* (1873-77).

Though happily married, famous as a novelist, and enjoying a large income, Tolstoi had become dissatisfied with himself by the time he finished *Anna Karenina*. An incessant probing into the purpose of life, which had troubled him since his youth, now drove him to a state of spiritual crisis. In *Ispoved* (written 1878-79, publ. 1882; *A Confession*) he poignantly relates the moral and spiritual suffering he endured in his search for an answer to the meaning of life. The crisis came to a head in 1879. At one point he contemplated suicide. He found little help in the writings of philosophers, theologians, and scientists which he systematically examined, but the peasants, for whom he felt a deep sympathy, gave him a clue. One must serve God, they told him, and not live for oneself.

Ultimately, Tolstoi became convinced that the teachings of Christ, as revealed in the New Testament, contained the answer to his question about the meaning of life. There is a power in each of us, he declared, which enables us to discern what is good, and we are in touch with that power. Our reason and conscience flow from it, and the purpose of our conscious life is to do its will: that is, to do good. From what he believed to be Christ's real utterances, corrected as he felt they should be if they were to retain their original substance, he formulated five commandments to guide him: do not be angry; do not lust; do not bind yourself by oaths; resist not him that is evil; be good to the just and the unjust. These commandments, with some modifications, became the basis for his future activities and teachings.

Tolstoi's new convictions took a form of Christian anarchism that led him to disavow immortality and reject the authority of the church which in turn was to excommunicate him in 1901. Further, he opposed organized government because it maintained itself through coercion, and he condemned private property since ownership was secured by force. He would have preferred to divest himself of his own property, but, bowing to the wishes of members of his family, he legally transferred his estate to them. And though he now refused to accept money for his writings, he made an exception in the case of his last long novel, *Voskresenie* (1899; *Resurrection*), the income from which he assigned to aid the Dukhobors (q.v.), a pacifist sect persecuted by the Russian government.

After his "conversion" Tolstoi strove, by no means with complete success, to bring his daily existence into conformity with his altered views. He abandoned smoking and drinking, became a vegetarian, and often dressed in simple peasant clothes. Since he now believed that no one should depend upon the labour of others, he became as self-sufficient as possible, cleaning his own room, working in the fields, and making his own boots. In the hope of approaching closer to his ideal of chastity, he tried to conquer fleshly desires in his relations with his wife. He also wrote books and articles to explain his faith, and he engaged in philanthropic activities, such as the organization of relief in the severe famine of 1891-92. The eloquence of Tolstoi's moral and religious writings, his fame, and his vital personality attracted many adherents. Disciples organized colonies in which they endeavoured to live together according to his precepts. Tolstoi distrusted such organized efforts. The truth that brings happiness

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H. COUNT (1828—thinker, and one of Sept. 9 (new style; t Yasnaya Polyana, the Tula province. to's parents, who the nobility, died a child, and he was relatives. Private charge of his early t 16 he entered the Kazan, but, disap- the formal instruc- returned to Yas- in 1847, to manage d conduct his own in neither did he success, preferring girl of Moscow and to life in the coun- ary, which he kept of his life, he re- moral transgressions, story *Utro pome-* 6; translated as *A Morning*) he tells of estate management. to's in 1851 joined the following year in several engage- leisure he spent in k, *Detstvo* (1852; magazine *Sovremennik* e Danube front in astopol during the s in his Sevastopol simple heroism of military leaders. At army and went to competing literary and aesthetic views. otories and left for and, and Germany. e.g., *Lucern*, 1857) des, he had become among the peasantry, peasant children at

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cannot be preached, he declared; it can only be achieved by individuals who honestly look within themselves. As his own reputation increased and knowledge of his views spread throughout Russia and abroad, hundreds of people from all over the world made their way to Yasnaya Polyana to see and talk with this modern sage.

The older sons, and especially his wife, had little sympathy for Tolstoi's views and his altered way of life. Endless visits of "converts"—the "dark people," his wife called them—and the interference of one of them, V. G. Chertkov, in family affairs, caused frequent quarrels between husband and wife. Contrary to his hopes, she refused to surrender her possessions and join him in a life of comparative asceticism. In fact, to secure the family's comfortable existence, she obtained, much against his will, the copyrights of his works printed before 1880, and these writings provided considerable income from editions which she herself published. The aging Tolstoi felt keenly the painful contradiction between the life of ease which the family lived and the life he wanted to live—the simple existence of a religious hermit, free of worldly goods and dedicated to service to others. He realized that his position made a mockery of his professed faith. Finally, the worsening domestic situation forced him to leave home stealthily one night, accompanied by his doctor and youngest daughter, Alexandra, in search of a refuge where he could live quietly and come closer to God. A few days later, on Nov. 20 (N.S.; Nov. 7, O.S.) 1910, he died of pneumonia at the remote railway junction of Astapovo, in the Ryazan province.

Works.—The development of Tolstoi's creative art seems to have been a matter of trial and error. One detects no dependence on preceding Russian authors, although he may have been influenced by foreign writers, such as Rousseau, Sterne, Stendhal, and later, Thackeray. In his youthful diary there is evidence of an unusual analytical talent in his realistic probing into the suppressed motives of his own behaviour. Yet the material of *Childhood* (1852) is treated with conventional realism, except for digressive lyrical passages in the manner of Sterne, whose *Sentimental Journey* Tolstoi partially translated at this time. He is autobiographical in this and in other works, for he often draws upon his own life, or the lives of those he knew well, for the content of his fiction. However, what captivates readers of *Childhood* is its fresh and precise choice of significant detail and the amazing reliving of forgotten common experiences of childhood, which, once recalled, nostalgically charm us all. Sequels to *Childhood*—*Otrochestvo* (1854; *Boyhood*) and *Yunost* (1857; *Youth*)—lack this special charm, perhaps because an analysis of the moral failings of youngsters tends to dominate these two works.

Tolstoi's experiences in the Caucasus are reflected in *Nabeg* (1853; *A Raid*) and *Rudka lesa* (1855; *The Woodfelling*), his first short stories dealing with war. The theme is treated in a youthful spirit, but the exacting realistic analysis of military activity is tinged with that critical awareness of false heroics which later became a central feature of his Sevastopol sketches.

Between 1855 and 1863 he wrote a series of short stories—including *Zapiski markera* (1855; *The Memoirs of a Billiard-Marker*), *Dva gusara* (1856; *Two Hussars*), *Lucern* (1857; *Albert* (1858), *Tri smerti* (1859; *Three Deaths*), *Semeinon schaste* (1859; *Family Happiness*), *Polikushka* (1863), and *Kholstomer* (not published until 1886)—in which he concentrates mainly on moral problems. They anticipate his later concern with the harm a materialistic society inflicts on the natural, unspoiled man, but fail to represent an artistic advance on his earlier writing. In fact, the subjective moralistic emphasis is a defect, although many passages are persuasively argued. Only in the *Two Hussars* does he avoid this pervasive subjectivism. Here the evil influences of society on the son are artistically suggested rather than didactically argued. *Kholstomer*, a satire on human beings from the point of view of a horse, is also something of an exception, for by his art Tolstoi somehow convinces the reader that the noble horse's natural life is superior to man's absurd, unnatural existence. The contrast between the natural man and the spoiled product of sophisticated society deeply interested Tolstoi, and he treated the theme with brilliant artistry in *Kazaki* (1863; *The Cossacks*).

The highly civilized Olenin suffers in comparison with the freedom-loving uninhibited Cossacks of the village in which he lives. Several of them, especially old daddy Eroshka, are among Tolstói's most memorable characterizations.

It took Tolstói almost seven years to write his vast epic *War and Peace*, one of the two or three greatest novels in world literature. In this supreme effort he went far beyond his previous writings both in scope and treatment. All the stuff of life is woven into this enormous tapestry, and the rich material and numerous characters are handled with unsurpassed objectivity. Perhaps in no other novel does the mastery of realistic detail and the amazing subtlety and variety of psychological analysis so successfully create the total impression of life being lived completely and naturally.

War and Peace covers the period 1805-14 and is primarily concerned with the histories of five families: the Rostovs, the Bolkonskis, the Bezukhovs, the Kuragins, and the Drubetskoi. The members of these families are portrayed against the vivid background of Russian social life and the titanic struggle of clashing armies during Napoleon's invasion of Russia. In this huge panoply appear the aristocracy and the peasantry, officers and privates of the army, the Russian and French emperors, diplomats and courtiers, town life and country life, and realistic pictures of war. The theme of war, however, is subordinated to the story of family existence, which at that time involved Tolstói's optimistic belief in the life-asserting pattern of the natural stages of man—birth, childhood, maturity, love, marriage, birth again, and death. For the Rostovs and Bolkonskis, Tolstói drew upon members of his own family, and the unforgettable heroine Natasha is modeled on his sister-in-law Tanya Bers. However, one has only to read her published diary to realize how the witchery of his art has transformed her into the vital, poetic, "natural" woman of the novel. Bumbling, questing Pierre Bezukhov is the foil of the polished, intellectually proud Andrei Bolkonski. Their moral conflict was also Tolstói's—Andrei's conviction that one should live for the sake of doing good for oneself being opposed to Pierre's ultimate belief that one should live for the sake of serving others. Tolstói varies his realistic method of individualizing characters in accordance with the human types portrayed. It may be brilliant externalization, as in the case of the shallow Princess Hélène, or psychological analysis in depth with the emotionally complex Princess Marie. Or it may be acutely symbolic, as in the creation of the peasant Platon Karataev, who exists as a personification of the simplicity and truth living in the gray masses of Russia.

The sections of the novel that have been objected to are those where Tolstói exposes his philosophy of history and theories about war and its architects. He anticipated these objections, for in 1868 he published an article explaining his views on these matters. There are two kinds of actions, he declared: those that do, and those that do not, depend upon individual will. In the historical process, he wrote, there is a minimum of freedom; the actions of so-called makers of history and leaders of war depend on the actions of countless other people and to this extent are predetermined. What troubled him was the historians' practice of fixing responsibility for what occurs in life upon individuals whom they call "great men" and endow with heroic virtues and vices. On the contrary, Tolstói argued, natural law determines the lives of human beings no less than the processes of nature itself. There is no free choice; all is ruled by an inexorable historical determinism. But it can hardly be denied that his labelling of such subjects interferes with the unity of *War and Peace* and represents an artistic lapse.

Though it is similar to *War and Peace* at least in narrative method and style, *Anna Karenina* has more artistic unity. Tolstói's philosophy of life was in the process of changing between the writing of the two books: *War and Peace* is a life-loving optimistic novel, and its main characters are morally robust and masters of their inner conflicts; *Anna Karenina*, which deals with Russian society in the 1860s, is pessimistic, and the inner conflicts of its characters are often unresolved and bring about human disaster. There is an inevitability about the tragic fate that hangs over the adulterous love of Anna and Vronski. "Vengeance is

mine, I will repay" is the epigraph of the novel and the leitmotiv of the whole story. Anna pays not so much because she transgresses the moral code, but because she refuses to observe the proprieties customarily exacted in such liaisons by the hypocritical high society to which she belongs. Her love for Vronski is a deep and lasting passion. Unable to play the hypocrite, she unhesitatingly confronts this high society with the sincerity of her love. Society's smug condemnation assures the tragic consequences of the affair. The sinful romance of Anna and Vronski is effectively contrasted with the happy love and marriage of Kitty and Levin, which appears to have been inspired by Tolstói's own experiences in marriage. Further, Levin's anguished doubts about the meaning of life, his haunting thoughts of suicide, and his desire to sympathize with the peasants are clear echoes of Tolstói's own struggle at this time.

After 1880 Tolstói devoted much time to writing books, pamphlets, and articles on various aspects of his religious, social, moral, and artistic views. Though they lack the absorbing interest of the personal experience he related in *A Confession*, they are written in the same clear prose and often reveal his remarkable gift for logical and persuasive argumentation. The most important of these many discursive writings are *Kritika dogmaticheskogo bogoslaviya* (written 1880-84, publ. 1891; *An Examination of Dogmatic Theology*), a powerful attack on the Russian Orthodox Church; *V chem moya vera* (written 1883, banned 1884; *What I Believe*), an attempt to systematize his views on religion; *Tak chto zhe nam delat?* (finished 1886, publ. 1902; *What Then Must We Do?*), a vivid account of his experiences in the slums of Moscow and an analysis of the causes of poverty; and *Tsarstvo bozhie vnútri vas* (1894; *The Kingdom of God Is Within You*), the fullest statement of his Christian anarchism, in which he develops his belief in nonresistance to evil, reaching the conclusion that governments exist largely for the sake of the rich and powerful, and by their use of force persecute the masses of mankind and murder them in the violence of war. Some essays attack specific social and governmental practices, such as the use of intoxicants and tobacco in *Dlya chego lyudi odurmanivayutsya?* (1890; *Why Do Men Stupefy Themselves?*), and the execution of revolutionists in *Ne mogu molchat!* (1908; *I Cannot Be Silent*). Others call for reforms, advocating, for instance, the land tax proposed by the U.S. economist Henry George (*Pisma o genre dzhoradze, Letters on Henry George*, 1897).

In 1897 Tolstói completed *Chto takoe iskusstvo* (1898; *What Is Art?*), an attempt to develop an aesthetic system in terms of his religious, moral, and social views. He maintained that a work is art only when it "infects" the reader, hearer, or viewer with the condition of the artist's soul. If there is no union between the artist and his audience through "infection," that is, if a communication of sympathetic feelings is not conveyed, then the work has failed as art. Among the several degrees of art which Tolstói recognizes, the highest is "religious art," that which infects people with feelings "flowing from the love of God and man." On the basis of his criteria he rejects as art some of the works of, for example, Shakespeare and Wagner. With that maddening consistency which is as much the hallmark of pride as of humility, he relegates his own great works of fiction up to this point to the category of "bad art," because they do not conform to the moral purpose of his new theory.

After his spiritual crisis Tolstói wrote several tales with a moral purpose, in a bare style devoid of the abundant details of his previous fiction. *Chem lyudi zhivi* (1881; *What Men Live By*), *Dva starika* (1885; *Two Old Men*), *Bratse lepko, a bozhe krepkó* (1885; *Evil Allures but Good Endures*), *Mnogo li cheloveku zemli nuzhno* (1886; *How Much Land Does a Man Need?*), and *Tri voprosa* (1903; *Three Questions*) are cast in this new manner. These little masterpieces of construction, which focus on peasant life, belong to his category of "good universal art." Though a moral is present, it is never allowed to obtrude on the artistic unity of the story. Another series of tales, different in manner because they are intended to appeal to educated readers, are closer to the style of his earlier fiction. The finest are the unfinished *Zapiski sumashedshego* (written 1884; *The Memoirs of a Madman*), a

mystical treatment and *Smert Ivana*, which the hero, a faith and love obsessed, which deeply moral health depends of chastity, becomes (1891; *The Kreutzer*), and an ill-treatment of young men *Dyuval* (written 1891 in Tolstói's life: a not overcome his despairing struggle psychological master.

The full-length was 71, is Tolstói. It is the story of a girl, Katya Maslova, a crime which she hero, determined to love redeems her, many fine things, is cast in a bewitching is a brilliant piece presents a marked feature *Anna Karenina*. The ing and sharp attack deserved, and on the spirit of Tolstói's

During the last various works, either cause he wished to ownership. In 1900 appeared; they are a *Khadzhi Murat* (a warrior who desert his son in secret. revelation of mutual the most superb shorter, are *Otets* story of an aristocrat becomes a hermit *False Coupon*), a goodness, in contrast spires good deeds (*Gorshok*), a perfect contentment with his

In the first posthumous included. Tolstói influential province effort to writing publications necessary he succeeded, his

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mystical treatment of man's despair in the face of life's defeats; and *Smert Ivana Ilyicha* (1886; *The Death of Ivan Ilyich*), in which the hero, a symbolic Everyman, discovers the inner light of faith and love only when confronted by death. The problem of sex, which deeply concerned Tolstoi in his new belief that man's moral health depended on his ability to approach closer to the ideal of chastity, becomes the central theme of *Kreutzer sonata* (1891; *The Kreutzer Sonata*), a convincing artistic study of jealousy and an ill-tempered polemic against society's sexual education of young men and women. Sex is also the main concern of *Dyavol* (written 1889; *The Devil*), a story inspired by an episode in Tolstoi's life: a man, deeply in love with his young wife, cannot overcome his lust for a pretty peasant girl. The husband's despairing struggle with carnal desire is told with all Tolstoi's psychological mastery.

The full-length novel *Resurrection* (1899), written when he was 71, is Tolstoi's major artistic effort after his "conversion." It is the story of the nobleman Nekhlyudov who seduces a young girl, Katya Maslova. She becomes a prostitute, is convicted of a crime which she did not commit, and the conscience-stricken hero, determined to marry her, follows her to Siberia. Though his love redeems her, in the end she refuses to marry him. There are many fine things, especially in the first part where the account is cast in a bewitching poetic atmosphere. And the trial scene is a brilliant piece of realistic narrative. But *Resurrection* represents a marked falling-off, artistically, from *War and Peace* and *Anna Karenina*. It bears evidence of haste, and the moral preaching and sharp attacks on the judicial and penal systems, however deserved, and on the religious services of the church are in the spirit of Tolstoi the polemicist rather than the literary artist.

During the last part of his life Tolstoi withheld from publication various works, either because he was dissatisfied with them or because he wished to avoid quarreling with his wife over copyright ownership. In 1911, a year after his death, several of them appeared; they are among his best creations. One is the short novel *Khadshi Murat* (completed 1904), the story of a brave Caucasian warrior who deserts to the Russians and is killed attempting to see his son in secret. The vivid narrative method and psychological revelation of mutual misunderstandings entitle it to a place among the most superb examples of his art. Equally effective, though shorter, are *Otets Sergii* (completed 1893; *Father Sergius*), the story of an aristocrat who conquers his lust and spiritual pride and becomes a hermit-monk; *Falshivyy kupon* (completed 1904; *The False Coupon*), a study in fictional form of how the example of goodness, in contrast with the evil-begging power of evil, inspires good deeds; and *Alesha gorshok* (written 1905; *Alyosha Gorshok*), a perfect short story of a peasant youth who finds contentment with his lot through submission to all adversities.

In the first posthumous collection of his works several plays are included. Tolstoi believed that drama was "probably the most influential province of art," and at various periods he devoted much effort to writing plays. However, he lacked certain of the qualifications necessary to the dramatist, and though in some instances he succeeded, his plays are inferior, artistically, to his fiction.

Vlast tmy (1887; *The Power of Darkness*), Tolstoi's highest achievement in drama, is a realistic tragedy of peasant life conceived as an illustration of one of his favourite later themes, suggested by the subtitle "If a Claw is Caught, the Bird is Lost."

The initial evil action of Nikita—his seduction of another man's wife—leads him to commit further sins, including the final sin of murder. A striking contrast is *Plody prosvetsheniya* (1889; *The Fruits of Enlightenment*), a comedy which genially satirizes the foibles of aristocratic society. Tolstoi never finished *I svet vo tme svetit* (*The Light Shines in Darkness*), but this play has a special autobiographical importance, for it concerns the hero's failure to convince his family of the wisdom of his beliefs. *Zhivoy trup* (written 1902; *The Living Corpse*) deals with the tragedy of a drunkard. Conscience-stricken over the harm he has caused his long-suffering wife, he pretends to have died in order that she may marry the man she loves. When the police reveal that he is actually alive, he kills himself. The moralizing that appears in Tolstoi's writing in his old age is entirely absent from this play,

which is filled with kindness and sympathetic understanding of the erring ways of mankind.

Assessment.—Tolstoi's eminence as a literary artist has never been seriously questioned by critics; he is universally accepted as one of the greatest writers of fiction in the world. But there has never been unanimity about his reputation as a thinker. However, the dualism of Tolstoi's moral and intellectual development has come to be more thoroughly understood by modern students of his thought. In his tireless search for truth he sought for absolutes in a world of incomplete knowledge and imperfect men, and hence his unwillingness to compromise, his compulsive need to achieve the ultimate rational explanation, often led him to push theory to the limits of absurdity, which he comes very close to doing in his views on history, nonviolence, education, and art. But any systematic study of his thought reveals its relation to the concepts of 19th-century liberalism. He believed that the whole history of the last 2,000 years has been shaped essentially by the moral development of individuals and the demoralization of governments. Tolstoi placed his faith in the moral development of the people, as a final answer to what he regarded as the universal oppression of the many by the few. For him, the progressive movement toward a classless and stateless condition of mankind depended, contrary to the economic determinism and violent class struggle of Marxism, upon the growing moral perfection of each individual through observance of the supreme law of love and the consequent repudiation of every form of violence. Despite the extreme to which he carried his rationalism, considered opinion today tends to place Tolstoi among the foremost thinkers of the 19th century.

BIBLIOGRAPHY.—*Editions, Selections, Letters, and Diaries*: V. G. Chertkov (ed.), *L. N. Tolstoi: polnoe sobranie proizvedenii*, 90 vol. (1928-58), is the most complete Russian edition of Tolstoi's works, the so-called Jubilee Edition, including his letters, notebooks, and diaries. Of editions in English translations none is complete; the most useful are *The Complete Works of Count Tolstoi*, trans. by L. Wiener, 24 vol. (1904-05), and *Tolstoi Centenary Edition*, trans. by L. and A. Maude, 21 vol. (1928-37). Translations of single fictional works are also available in the Everyman Library and in Penguin Classics. *War and Peace*, trans. by L. and A. Maude, is vol. 51 of *Great Books of the Western World* (1952). See also *The Journal of Leo Tolstoi, 1895-99*, trans. by R. Strunsky (1917); *The Diaries of Leo Tolstoi: Youth, 1847 to 1852*, trans. by C. J. Hogarth and A. Sirnis (1917); P. Biryukov, *Tolstoi's Love Letters*, trans. by S. S. Kotliansky and V. Woolf (1923); *The Private Diary of Leo Tolstoi, 1853-1857*, trans. by L. and A. Maude (1927); *The Letters of Tolstoi and his Cousin Countess Alexandra Tolstoi*, trans. by L. Slavina (1929); R. Fülöp-Miller, *New Light on Tolstoi: Literary Fragments . . .*, trans. by P. England (1931).

Recollections of Tolstoi: S. A. Bers, *Recollections of Count Leo Tolstoi*, trans. by C. E. Turner (1893); *Reminiscences of Tolstoi by His Son Count Ilya Tolstoi*, trans. by G. Calderon (1914); M. Gorki, *Reminiscences of L. N. Tolstoi*, trans. by S. S. Kotliansky and L. Woolf (1920); *The Autobiography of Countess Sophie Tolstoi*, trans. by S. S. Kotliansky and L. Woolf (1922); A. B. Goldenweizer, *Talks with Tolstoi*, trans. by S. S. Kotliansky and V. Woolf (1923); Count Leon L. Tolstoi, *The Truth About My Father* (1924); A. Maude (ed.), *Family Views of Tolstoi* (1926); *The Diary of Tolstoi's Wife*, trans. by A. Werth (1928); *The Final Struggle: Being Countess Tolstoi's Diary for 1910*, trans. by A. Maude (1936); T. A. Kuzminskaya, *Tolstoi as I Knew Him* (1948); *The Tolstoi Home: Diaries of Tatiana Sukhotin-Tolstoi*, trans. by A. Brown (1950); Sergei Tolstoi, *Tolstoi Remembered by His Son*, trans. by M. Budberg (1961). See also Tatiana Tolstoi (Soukhotine), *Sur mon père* (1960).

Biographies: P. A. Sergeenko, *How Count Tolstoi Lives and Works*, trans. by I. F. Hapgood (1899); A. Maude, *The Life of Tolstoi*, 2 vol. (1908-10); P. Biryukov, *The Life of Tolstoi* (1911); R. Rolland, *Tolstoi*, trans. by B. Miall (1911); N. H. Dole, *The Life of Lyof N. Tolstoi* (1911); V. Chertkov, *The Last Days of Tolstoi*, trans. by N. A. Duddington (1922); A. I. Nazarov, *Tolstoi, the Inconstant Genius* (1930); E. J. Dillon, *Count Leo Tolstoi: a New Portrait* (1934); G. Abraham, *Tolstoi* (1935); D. Leon, *Tolstoi, His Life and Work* (1944); E. J. Simmons, *Leo Tolstoi* (1946); Alexandra Tolstoi, *Tolstoi, a Life of My Father*, trans. by E. R. Hapgood (1953). See also C. Asquith, *Married to Tolstoi* (1960).

Criticism and Interpretation: C. E. Turner, *Count Tolstoi as Novelist and Thinker* (1888); A. Maude, *Tolstoi and His Problems*, 2nd ed. (1902); D. Merezhkovski, *Tolstoi as Man and Artist* (1902); A. H. Crawford, *The Religion and Ethics of Tolstoi* (1912); G. R. Noyes, *Tolstoi* (1918); J. Lavrin, *Tolstoi: a Psycho-Critical Study* (1924); revised as *Tolstoi: an Approach*, 1944; H. T. A. Fausset, *Tolstoi, the Inner Drama* (1927); H. Davis, *Tolstoi and Nietzsche* (1929); G.

THE WHITE HOUSE
WASHINGTON
December 2, 1977

Jody Powell

The attached was returned in
the President's outbox. It is
forwarded to you for appropriate
handling.

Rick Hutcheson

RE: PRESS CONFERENCES

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

December 1, 1977

Jody
Anything that
helps us & the
press is not
mundane

MEMORANDUM FOR THE PRESIDENT

FROM: Jody Powell *JSP*

SUBJECT: Press Conferences

I hate to bother you with such mundane matters, however, I have a suggestion which will be marginally helpful in our relationships with the White House Press Corps.

It is, of course, traditional to call upon the wire service reporters first in news conferences. As long as the networks are carrying the news conferences live, it is also proper to call upon one correspondent from each of the three networks. On occasion, you call on two correspondents from one network and no one from another network. In addition, there is a certain resentment if the wire services and the networks completely dominate the questioning at a press conference.

Therefore, I suggest that we make it a practice to call upon the two wire service correspondents first. Then I suggest that you call upon one correspondent from each of the three networks. I would also suggest that you do not call upon any other network correspondents after you have run through one representative from each. This will mean that most of the questions in any 30-minute press conference will come from the balance of the press corps, not just the wires and the networks.

I would guess that you tend to call network correspondents because they are more familiar to you by sight. So that you can put this formula into operation at your next press conference, I have attached the pictures of the three correspondents from each of the three networks. It should not take you long to memorize the faces and affiliations of these nine people. We can even suggest names of network correspondents for each press conference so that you can alternate within each network if you wish.

**Electrostatic Copy Made
for Preservation Purposes**

THE WHITE HOUSE
WASHINGTON

*return
photos
to today*

	FOR STAFFING
	FOR INFORMATION
✓	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
		JORDAN
		LIPSHUTZ
		MOORE
✓		POWELL
		WATSON
		LANCE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

Once we have mastered this formula, we may wish to take a look at identifying some of the White House regulars that do not get called upon as well as some of the non-White House correspondents that are reasonably sane and responsible which you can call upon at the average of about one per press conference.

Attachment

MEMORANDUM

THE PRESIDENT HAS SEEN
 THE WHITE HOUSE
 WASHINGTON

December 2, 1977

MEMORANDUM FOR:

DEPARTMENT HEADS AND CFC KEYWORKERS

FROM:

SKIP HOLCOMBE

Skip

SUBJECT:

Final CFC Campaign Report

Listed below you will find the percentage participation by the different White House office.

<u>Office</u>	<u>%</u>	<u>Office</u>	<u>%</u>
Joe Aragon	100	First Lady	94
Drug Abuse Policy	100	Staff Secretary	67
Public Liaison	91	Chief Exec. Clerk	100
Stu Eizenstat	100	WH Records Office	100
Richard Harden	100	Hugh Carter	100
Hamilton Jordan	67	Correspondence, Analysis	54
Presidential Personnel	100	Bob Anderson	92
Appts. and Scheduling	74	Central Files	96
Legal Counsel	70	Accy, Payroll & Supply	92
Bunny Mitchell	100	WH Personnel	100
Congressional Liaison	65	Travel & Telegraph	87
WH Press Office	71	Messengers & Duplication	76
Greg Schneiders	100	Telephone Operators	86
Jack Watson	91	Visitors Office	100
Richard Pettigrew	100		

As of December 5, 1977, the White House has received a total of \$21,710 in pledges from 357 individuals. This comes to an average gift of \$60.81 per person. Contributions this year exceed the highest previous White House goal by \$7756 or 57%.

The following table is a recap of CFC Drives during the past six years. Please note the decrease in personnel and the increase in pledges between 1976 and 1977.

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Number of Employees	INA	480	513	500	485	431
Number of Gifts	276	301	290	262	238	357
Percent of Participation	INA	63%	57%	52%	49%	82%
Goal	10,790	10,521	11,569	13,414	11,967	30,000
Amount Raised	8,075	11,589	10,011	11,185	9,011	21,710
Incr. (Decr.) From Prev. Campaign	102	3,514	(1,578)	1,174	(2,174)	12,699
% Incr. (Decr.) From Prev. Campaign	1%	44%	(14%)	12%	(19%)	141%
Per Capita Gift	INA	24.14	19.51	22.37	18.57	50.00
Average Gift	29.25	38.50	34.52	42.69	37.86	60.81

I wish to thank the entire White House Staff for their efforts in this fund drive. I especially would like to give special thanks to Rita Merthan of the First Lady's staff, Kathy O'Neil of Presidential Personnel, and Terry Good of Central Files for their outstanding work in the CFC campaign.

Agency	No. Emps.	GOAL		CONTRIBUTIONS TO DATE			
		Dollars	Per Capita	Participants		Dollars	% of Goal
				#	%		
White House	425	\$30,000	\$ 70.60	357	82	21,710	72
Office of the Vice President	54	3,750	62.50	56	100	2,517	76
Council of Economic Advisors	35	3,150	90.00	24	69	2,054	65
Council on Environ- mental Quality	32	3,000	93.24	36	100	3,626	121
Council on Wage and Price Stability	36	1,908	53.00	42	100	3,015	158
Domestic Policy Staff	37	2,470	65.00	13	35	2,551	103
National Security Council	60	2,400	40.00	55	92	2,465	103
Office of Special Rep. for Trade Negotiations	47	4,700	100.00	40	85	3,490	72
Office of Telecommuni- cations Policy	37	3,400	91.89	20	54	1,199	35
Office of Science and Technology	21	1,650	78.00	21	100	2,131	129
Office of Management and Budget	688	45,000	65.28	507	74	43,313	96
TOTAL	1,472	\$101,428	\$68.90	1,171	80%	\$88,071	87%

12/2/77
(7:30 breakfast meeting)

THE WHITE HOUSE
WASHINGTON

Oil price - freeze

Cyp's trip

Japanese - Econ pressure

Morocco emissary

- 75's → Egypt

715's → Saudi

716's → Israel

75's → Sudan

- Rhodesia

NATO

Cyprus

Yugoslavia overflights

Crown 1-7

12/15/77
Call J. Claybrook Cabinet meeting

THE WHITE HOUSE
WASHINGTON

Admin accomplishments

- > Air/water violations 12/14/79 - Costle
- > 1978 schedule
- > Consultants
- > Cabinet mtgs
- > Trip = mine to G's
- > Soc Sec - This week
- > Energy conference
- > Steel report
- > Juanita - Poland trip = Short term loan
- > Woodward

==
Brown → Brussels

Minority Bus Contract

Women, armed forces

— 50410 - going well

Economy - vans/trucks

— Consultants - excessive

THE WHITE HOUSE
WASHINGTON

- > Unemployment analysis
- Japan economic negot.
- Is/Eg ambassadors
- Fuel adequate for winter
- Nat gas -
- COET - mark up
- Oil rig supply - Def Prod Act
- Nat Flood industry
- Bergland in Tuskegee ^{Strike} ^{planning}
- Corn 738¢ Wheat 760¢ ^{outgoing}
- Dr Joan Wallace - Bl Woman ^{Asst} ^{Sec}
- EC Finance mtg: FA 7262
- Replace L. Woodward
- Value of \$ - Policy ok
- 1978 agenda
- Micky Barnes
- Deputy AG - FBI Director

THE WHITE HOUSE
WASHINGTON

OSTHA reps - elim 1100
Coal - strike imminent
Anti - inflation = Davis Bacon

Viet Nam refugees
Human Rts week

Title IX - Judge Pratt

LEW funds - Nature Conservancy
160 ac. limit

NATO - SALT - Cruise - FBS -
non x for/circum

Greek/Turks - Cyprus
Cy → Mid East = Syria?
Korea - Problem Tongson Rk
Philippines - " Human Rts
Terrorism - "

THE WHITE HOUSE
WASHINGTON

December 2, 1977

Stu Eizenstat
Jim McIntyre

The attached was returned in the President's outbox and is forwarded to you for appropriate handling with the Attorney General.

Rick Hutcheson

cc: The Vice President
Bob Lipshutz
Frank Moore
Jack Watson

RE: LEAA

*to the A.G.
cc of Pres's
letter only*

THE WHITE HOUSE
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
	X	MONDALE
		COSTANZA
	X	EIZENSTAT
		JORDAN
	X	LIPSHUTZ
	X	MOORE
		POWELL
	X	WATSON
	X	LANCE <i>JM</i>
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
X	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE
WASHINGTON

12-2-77

To Griffin Bell

In order to include the LEAA changes in my Crime Message and to be sure that we don't have any conflict between my ongoing study of justice research programs and yours, I would like for Jim, Stu, & your designee to present to me by January a reorganization plan, a budget analysis, and language for the Crime Message. This would be based on your good proposal of Nov 29th.

Jimmy

cc: Jim, Stu

THE WHITE HOUSE
WASHINGTON

C

November 29, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: STU EIZENSTAT *Stu*
JIM MCINTYRE *Jim*
BOB LIPSHUTZ *Bob*
FRANK MOORE *Frank*
JACK WATSON *Jack*
RICHARD PETTIGREW *Rich*

SUBJECT: Attorney General's Proposal re LEAA

The Attorney General has forwarded the attached proposal concerning LEAA. For the reasons outlined below, we recommend against adopting the proposal at this time. Instead we believe that Justice, the Domestic Policy Staff, and OMB -- including the Reorganization Project -- should coordinate their efforts and prepare an options paper on LEAA by January, in time for inclusion in the Crime Message and early submission to the next session of Congress.

I. ELEMENTS OF THE ATTORNEY GENERAL'S PROPOSAL

1. A Reorganization Plan to be submitted to Congress which would:

- ° Convert the major part of LEAA to a new unit within the Justice Department called the "National Institute of Justice." It would administer the Federal grants program, would contain most of LEAA's current components -- including research -- and would also add a new bureau of statistics.

2. Amendments to the Omnibus Crime Control and Safe Streets Act of 1968 which would:

- ° Grant funds to the larger units of local government (250,000 population and over) based on their share of the total state expenditure for law enforcement and criminal justice. (Presently funds are granted to the states, which then distribute them according to a state comprehensive plan on a project-by-project basis.)

-- The money would still be given to states, but the states are required to pass it on to the larger units of local government;

-- The states would continue to plan for, and allocate to, the smaller units of local government.

- o Limit the amount of funds incurred for administrative costs and require that every dollar of Federal funds spent on planning and administration be matched by a dollar of state or local funds.
- o Permit greater flexibility in using funding for civil justice activities as well as criminal.

3. Administrative Actions:

- o Several administrative actions are proposed to be initiated immediately, which would pave the way for implementing the proposal.

II. PROBLEMS WITH ADOPTING THE RECOMMENDATION AT THIS TIME

1. Timing and Coordination

- o A major element of the Attorney General's proposal involves the placing of a research center within the proposed Institute. On August 25, however, you directed the Reorganization Project to review justice research programs and to make recommendations concerning them. The President's Reorganization Project's (PRP's) recommendations will be ready by January.

--Adopting the Attorney General's proposal at this time would preempt the PRP's work.

--The PRP has been analyzing past proposals and present justice research activities and is contacting over 1,000 persons and interest groups. The entire public consultation process of the reorganization would be undermined by a premature announcement of decisions on justice research at the very time meetings are being held with legislators and other interest groups.

- o The Crime Message is scheduled for January. Since LEAA is the only Federal effort which addresses street crime and local law enforcement, it could be saved as an important element of that message.

- o There is nothing to be gained by an announcement at this time: Congress will not be in a position to entertain these proposals until its new session in January.

2. Congressional Relations

- o The Attorney General's proposal has not been discussed with anyone on the Hill. Key Congressional leaders will be alienated if the proposal is not shared before it becomes a fait accompli.
 - Senator Kennedy had been carrying out his own study of LEAA and its role in improving criminal justice. He is determined to introduce legislation for major substantive change. Because of the death of Senator McClellan, Kennedy is in a position either to push the Administration proposal or to keep it from getting heard. He will not be favorably disposed unless he is first consulted.
 - Congressman Conyers' subcommittee has just held hearings on the LEAA Study Group Report. The result was agreement that the composition of the study group was too narrow, consisting only of LEAA and Department of Justice personnel, and that the report was too superficial and vague to present meaningful options or alternatives for a major reorganization of LEAA.

3. Substance

- o The proposal contains no analysis and no options. A decision on as controversial a program as LEAA requires that you be informed on the full range of alternatives on such issues as:
 - Whether the block grant program should be continued;
 - Whether there should be any categorical funds (it is believed by some that, unless funds are earmarked, all grants will be spent on hardware and none will be used to improve the judicial process or correctional systems);

- Whether there should be a justice research program and, if so, the form it should take (many people in the field believe that research should be independent of the highly political block grant programs in order to insure the integrity of the research effort); options on research should be coordinated with the PRP's work.
- ° There is no budget analysis.
- There is no cost data in the proposal. We assume that Justice intends to apply the figures submitted in the LEAA FY 79 budget, but these were never subjected to any zero-based review as requested by OMB, so we are not given a range of alternatives upon which to make meaningful judgments.

III. RECOMMENDATION

We believe that any decision on an extension or modification of LEAA would be precipitous and premature at this time. We therefore urge that the decision wait until January. In the meantime, we recommend that:

1. The Reorganization Project continue its consultation and complete its decision memorandum on Federal justice research programs to be submitted by January.
2. An options paper which addresses and analyzes the various alternatives involved in an extension or modification of LEAA, including a zero-based review of the program, be prepared for submission to you in mid-January--and that this effort be coordinated with the Domestic Policy staff, the Reorganization Project, and the Legislative and Budget Divisions in OMB. Key members of Congress should be consulted before the options paper is prepared.

DECISION

- _____ Delay decision on LEAA until January to permit presentation of options under the Reorganization Project's established timetable. (recommended)
- _____ Approve Justice LEAA submission. (DOJ)
- _____ Request Attorney General to delay public announcement until crime message. (Recommended if you approve the Justice submission).



Office of the Attorney General
Washington, D. C. 20530

November 21, 1977

MEMORANDUM FOR THE PRESIDENT

SUBJECT: THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

As Attorney General, one of my top priorities has been to improve the efficiency and effectiveness of the Law Enforcement Assistance Administration. The history of LEAA has been quite controversial, and many of the programs which the agency has funded have been of questionable value. Reauthorizations of the LEAA program in 1973 and in 1976 have added to the complexity of the program and have made it more difficult to administer.

The need to make significant changes in the operations of LEAA became evident to me early in my tenure as Attorney General, and I have used the first months of our administration to review the LEAA program and to explore the options available to remedy the program's deficiencies. I am now prepared to propose a specific plan of action to remedy the significant problems facing this program. This plan of action includes three components: (a) a reorganization plan that would abolish LEAA and create a new organization to be called the National Institute of Justice which would consolidate the functions of six specific organizations within the Department of Justice; (b) an amendment of the Omnibus Crime Control and Safe Streets Act; and (c) administrative changes which would be initiated immediately and carried through to the proposed National Institute of Justice.

The implementation of this plan should increase the ability of the Department to manage more effectively its criminal justice research and financial assistance programs. At the same time, it will enhance the quality and visibility of the Federal government's research efforts and will expand those efforts to include civil justice. The plan is also intended to increase the program flexibility of State and local governments and strengthen their priority setting roles and responsibilities.

**Electrostatic Copy Made
for Preservation Purposes**

Additional provisions are included to reduce considerably Federal paperwork requirements, as well as the State and local use of Federal funds for costs associated with program overhead. The proposals which I have submitted would place a ceiling on the funds that could be devoted to planning and administrative purposes by State and local governments and would require that every dollar of Federal funds spent on planning and administration be matched by a dollar of State and local funds. The plan would also provide that no Federal funds could be used for the activities of regional planning unit boards, thereby ending Federal subsidization of the 460 regional planning unit boards which are currently in existence.

As you know, the President's Reorganization Project is studying a number of issues relating to the Federal justice system, including research activities carried out by the Federal government. The reorganization plan which I am submitting affects only constituent organizations within the Department of Justice and does not conflict with the activities of the President's Reorganization Project. If, upon completion of its studies, the President's Reorganization Project concludes that the research activities within the Department of Justice should be carried out by an independent organization or be consolidated with research activities outside the Department, the plan of action which I have submitted would not foreclose the implementation of its recommendations. In the interim, however, I believe that it is important to undertake the initiatives which I have proposed concerning the Department of Justice's criminal justice research and financial assistance programs in view of the gravity and urgency of the problems posed by the existing LEAA program.

In the paragraphs below are presented a summary of the review of the LEAA program which I have undertaken and the details of the proposed action which I am recommending.

Department of Justice Study Group

On April 8, 1977, I created a Department of Justice Study Group composed of top level officials within the Department of Justice -- including LEAA -- to conduct a comprehensive review of the present LEAA program and to undertake an analysis of the Department of Justice's program of assistance to State and local governments in crime control and criminal justice system improvement. I asked the Study Group to undertake a zero-based analysis of the LEAA program and to consider all options. After

three months of very intensive review of all the components of the LEAA program, on June 23, 1977, the Study Group presented to me a report which contained the following findings:

1. Comprehensive criminal justice planning as required by the Omnibus Crime Control and Safe Streets Act of 1968 was not taking place at the State and local levels, except on a very limited scale and only on an exception basis. Few State and local governments were planning for all criminal justice expenditures at their respective levels. Most were planning only for the 3% to 5% of their expenditures that were derived from the LEAA program;
2. Even the planning that was done for the use of the LEAA formula funds often amounted to little more than a paper-work exercise in order to qualify for LEAA formula funds due to complexity of the statutory requirements for criminal justice planning and the resultant LEAA planning guidelines; and
3. The "national leadership" role for LEAA in the research and development of new and innovative techniques for responding to the crime problem and for possible transfer to State and local governments simply had not materialized on the scale envisioned under the 1968 Act. The reasons for this were many. LEAA has experienced over the last nine years a rather rapid turnover in its top leadership. This rapid turnover quite naturally led to frequently changing priorities. In addition, in the early years of the program criminal justice research was a relatively new discipline, and there were constant pressures to spend the grant funds appropriated to the program. As a result, national level programs were frequently initiated by a succession of top leaders without systematic program development or the effective utilization of available research findings. The cumulative effect of all these pressures has been the lack of a fully coherent strategy at the national level to develop systematically knowledge about crime and the criminal justice system; to develop, test and evaluate national programs which utilize the knowledge developed; and to disseminate effectively proven program strategies and the knowledge gained to State and local governments.

In view of these weaknesses in the LEAA program, the Study Group recommended that the Administration undertake a major restructuring of the program designed to accomplish the following:

1. Refocus the national research and development portion of the program into a coherent strategy of basic and applied research and systematic national program development, testing, demonstration and evaluation; and
2. Replace the present block (formula) portion of the program with a simpler program of direct assistance to State and local governments with a feature that would allow State and local governments to use the direct assistance as "matching funds" to implement program models which would be developed through the refocused national research and development program.

The Study Group also strongly recommended that prior to final action on these two general recommendations and the eight specific recommendations contained in the Study Group Report, a phase of intensive consultation with appropriate leaders of the Congress and of State and local governments be initiated. On June 30, 1977, I publicly released the Report of the Study Group and requested written comments on its content for a period of sixty days beginning on July 1, 1977.

Public Response to the Study Group Report

During the period of public comment (July 1 through September 1) approximately 4,000 copies of the Study Group Report were distributed to all members of the Congress, to all Governors, to the Mayors of this country's 120 largest cities, to other elected public officials, government administrators, criminal justice agencies, national interest groups and professional associations and other interested agencies and individuals. By September 19, 1977, almost 400 pieces of correspondence were received in response to the Study Group Report. This mail came from almost every state in the union. Twenty-six of the responses were position papers representing the collective policy positions of almost every major national interest group and professional association with an interest in the LEAA program. The mail received has been exhaustively analyzed by the staff of the Department of Justice. The general findings of this analysis are as follows:

- o There is overwhelming support for a continuation of the Federal role in crime control and criminal justice system improvement;
- o An overwhelming majority of the mail saw the nature of the continuing Federal role as research and demonstration in combination with continued Federal financing of State and local criminal justice system improvement efforts;
- o There was almost unanimous support for a reduction of "red tape" and for streamlining the process of providing funds to State and local governments. Extensive planning, administrative and reporting requirements were frequently mentioned as key factors in creating excessive paperwork, high administrative costs throughout the delivery system, unnecessary delays in funding programs, and a compliance orientation instead of a problem-solving or service emphasis.

These general findings are in no way intended to imply that there was unanimity in response to the Study Group Report. There was some very clear and strongly expressed opposition to the recommendations of the Study Group, particularly in the area of converting the present LEAA block grant program into a simpler program of direct assistance to State and local governments under which Federal funds would be distributed to local as well as State governments on a formula basis. This strong opposition came primarily from the nation's governors as well as national interest groups representing state government perspectives.

A Three-Pronged Strategy to Create a National Institute of Justice

After months of close review of the LEAA program and after careful consideration of the public responses to the Report of the Study Group, I believe that it is necessary to take a very significant step to restore public confidence in the ability of the Federal government to respond to the problems faced by the criminal justice system throughout the country and to improve the effectiveness and responsiveness of the Department of Justice's program of assistance to State and local governments for crime

control and criminal justice system improvement. I am therefore proposing to abolish LEAA and to replace it with a new organization within the Department of Justice under the general authority of the Attorney General. Attached to this memorandum as Exhibit A is an organization chart for the organization -- which we have tentatively named the National Institute of Justice. The creation of such an organization would provide the Department with an opportunity to address the major weaknesses of the LEAA program and would bring about a long needed consolidation of several related but frequently uncoordinated functions within the Department of Justice. It is my proposal that such an institute can be created through a series of three closely coordinated actions: (1) transmission of a reorganization plan to the Congress under the authority available to you under the Reorganization Act of 1977 (P. L. 95-17); (2) amendment of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (P. L. 90-351) which expires on September 30, 1979; and (3) immediate administrative action aimed at streamlining the present LEAA program. In making my recommendations I have placed the greatest emphasis on those reforms which could be accomplished either by administrative action or by authority available under the Reorganization Act of 1977.

The general components of each of the proposed actions are presented below.

1. A Reorganization Plan for the Department of Justice

Attached to this memorandum as Exhibit B is a proposed reorganization plan for the Department of Justice. This plan would create a National Institute of Justice within the Department of Justice by consolidating the functions of six organizations within the Department and abolishing two of these organizations. The two organizations which would be abolished are the Law Enforcement Assistance Administration and the National Institute of Corrections. The National Institute of Law Enforcement and Criminal Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Community Anti-Crime Programs would continue to exist as separate offices within the National Institute of Justice. In addition, this plan would create a new Bureau of Justice Statistics, consolidating many of the justice related statistical functions presently distributed over several bureaus and units within the Department. The major goals

of such a reorganization would be the enhancement of justice research, both civil and criminal, and the improvement of the Department of Justice's management through the consolidation of organizations having similar functions and the elimination of overlap and duplication of effort.

2. Amendment of the Omnibus Crime Control and Safe Streets Act of 1968

Attached to this memorandum as Exhibit C is a draft of a bill to amend the authorizing legislation of the LEAA program. These amendments would extend the Department of Justice's assistance and research programs for three years and are intended to eliminate the unnecessary overhead in the programs and make them more responsive to the needs of State and local governments. These amendments contemplate that LEAA will be abolished and that the program will be carried out by the National Institute of Justice.

It will be necessary to consult with leaders of State and local governments and members of Congress prior to the actual submission of a bill. I am hopeful of completing this process of consultation by January 15, 1978, and at that time I will have a bill appropriate for submission to the Congress ready for your review and review by the Office of Management and Budget.

Among the amendments which we expect to make are those which would:

- (a) Eliminate the annual planning requirement, convert State comprehensive plans to three year plans and greatly simplify the Federal role in reviewing and approving State comprehensive plans;
- (b) Limit the use of Federal funds for administrative costs incurred by States and units of local government and require that every dollar of Federal funds spent on planning and administration be matched by a dollar of State and local funds; and
- (c) Strengthen the role of State and local governments in setting priorities for the use of Federal funds by adding statutory provisions to (i) allow States

and localities to determine for themselves the appropriate mixture of planning and action programs and (ii) provide larger units of local government with a certain allocation of the funds awarded to the State each year by the Federal government.

3. Administrative Action

In addition to the reorganization and legislative proposals described above, I am also recommending a series of specific administrative actions which would be initiated immediately and which would pave the way for the new National Institute of Justice. These actions would be aimed at reducing overhead in the present LEAA program and focusing resources on programs designed to aid all components of the justice system. Specifically, the administrative actions I am prepared to initiate immediately are the following:

- (a) Integration of LEAA national action programs into a systematic research and development process;
- (b) Reduction in appropriations for Federal support of criminal justice planning at the State and local levels;
- (c) Strengthening the role of local governments in setting their own priorities within the present LEAA program;
- (d) Improved training for State and local officials in new criminal justice program techniques;
- (e) Experimentation with the use of national discretionary grants as incentives for implementing new concepts and programs; and
- (f) Streamlining management processes throughout LEAA.

Each of these proposed actions is described in greater detail in Exhibit D to this memorandum.

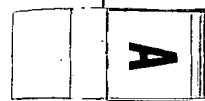
If you concur with the program I have outlined, I will begin appropriate consultation with interested parties immediately -- including appropriate members of both the Senate and the House of Representatives --

- 9 -

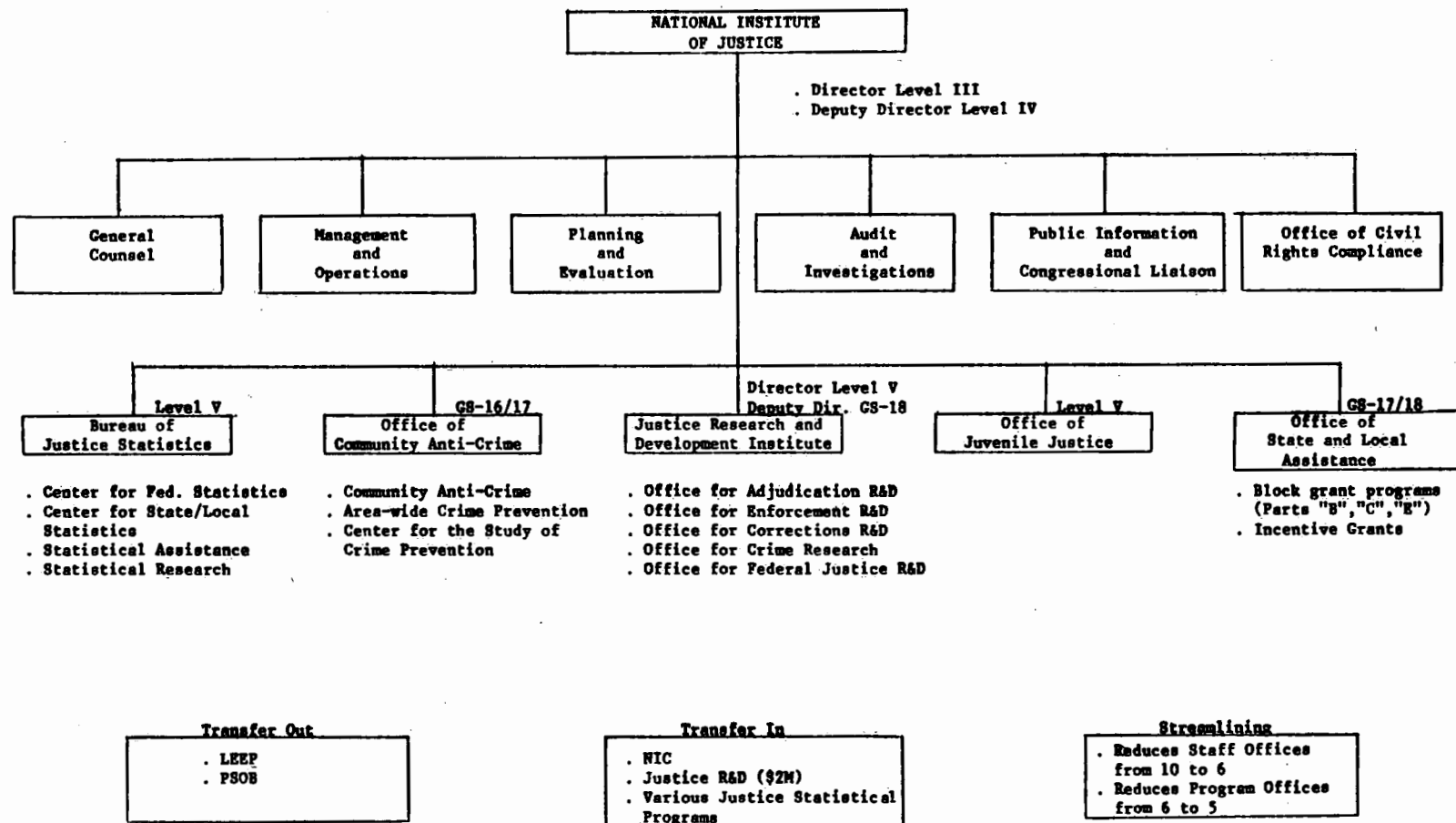
to seek their advice on how best to proceed in this important endeavor. It is my hope that we will soon be in a position to begin the implementation phase of this program.

A handwritten signature in black ink, reading "Griffin B. Bell". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Griffin B. Bell
Attorney General



The name and structure of the organization may be subject to change upon completion of the studies of the President's Reorganization Project



B

REORGANIZATION PLAN NO. OF 1978

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, _____, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

THE NATIONAL INSTITUTE OF JUSTICE

Section 1. Establishment of the National Institute of Justice

- A. There is hereby established in the Department of Justice an agency which shall be known as The National Institute of Justice, hereinafter referred to as the "Institute." The Institute shall include the following component parts:

- (1) The Office of Community Anti-Crime;
- (2) The Office of Juvenile Justice and Delinquency Prevention;
- (3) The Bureau of Justice Statistics;
- (4) The Office of State and Local Assistance; and
- (5) The Justice Research and Development Institute.

The Justice Research and Development Institute shall include the following component parts:

- (a) The Office for Law Enforcement Research and Development;
- (b) The Office for Adjudication Research and Development;
- (c) The Office for Corrections Research and Development;
- (d) The Office for Crime Research; and
- (e) The Office for Federal Justice Research and Development.

- B. There shall be at the head of the Institute the Director of The National Institute of Justice, hereinafter referred to as the "Director." The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level III of the Executive Schedule (5 U.S.C. 5314). The Director shall establish such additional offices and advisory committees as from time to time are determined to be necessary for the efficient operation of the Institute.

- C. There shall be in the Institute a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director shall from time to time assign or delegate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of Director.
- D. There shall be in the Institute two (2) additional officers who shall perform such functions as the Director shall from time to time assign or delegate. Each such officer shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level V of the Executive Schedule (5 U.S.C. 5316). One such officer shall serve as the head of an Office of Juvenile Justice and Delinquency Prevention to be established in the Institute.
- E. Those positions established in Section 528(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 U.S.C. 3774(b)), Section 202(b) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5612(b)), and 5 U.S.C. 5108(c)(10) are to be maintained in the Institute.

Section 2. Transfer of Functions

- A. Those functions vested in the Administration of the Law Enforcement Assistance Administration by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, relating to:
 - (1) Grants to States for planning (42 U.S.C. 3721-26)
 - (2) Block grants for law enforcement purposes (42 U.S.C. 3731-38, except 3736(b))
 - (3) Block grants for correctional facilities and institutions (42 U.S.C. 3750-3750d, except 42 U.S.C. 3750d(a)(2))are transferred to the Director to be carried out in the Office of State and Local Assistance.
- B. The functions of the Office of Community Anti-Crime (42 U.S.C. 3711(c)) vested in the Administration of the Law Enforcement Assistance Administration by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, are transferred to the Director to be carried out in the Office of Community Anti-Crime.

- C. The functions of the National Institute of Law Enforcement and Criminal Justice (42 U.S.C. 3742) vested in the Administration of the Law Enforcement Assistance Administration by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, are transferred to the Director to be carried out in the Justice Research and Development Institute and its component offices.
- D. Those functions vested in the Administration of the Law Enforcement Assistance Administration by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, relating to:
- (1) Carrying out programs of academic educational assistance to improve and strengthen law enforcement and criminal justice (42 U.S.C. 3746(a))
 - (2) Entering into contracts to make payments to institutions of higher learning for loans to students working toward degrees in areas related to law enforcement and criminal justice (42 U.S.C. 3746(b))
 - (3) Entering into contracts with institutions of higher learning to make payments to officers of publicly funded law enforcement agencies for tuition, books, and fees (42 U.S.C. 3746(c))
 - (4) Assistance to persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice (42 U.S.C. 3746(d))
 - (5) An internship program (42 U.S.C. 3746(f))
 - (6) The Public Safety Officers' Benefits (PSOB) Program (42 U.S.C. 3796)

are transferred to the Attorney General to be carried out in the Office of Management and Finance, Department of Justice. The functions vested in the Administration of the Law Enforcement Assistance Administration by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to make grants or contracts with institutions of higher learning to assist in planning, development, strengthening, and improving programs for law enforcement and criminal justice education pursuant to 42 U.S.C. 3746(e) are transferred to the Director.

- E. The statistical functions of the National Criminal Justice Information and Statistics Service vested in the Administration of the Law Enforcement Assistance Administration by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and such other statistical functions as may be delegated by the Attorney General from time to time are transferred to the Director to be carried out in the Bureau of Justice Statistics.
- F. The functions of the National Institute of Corrections established by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (18 U.S.C. 4351) are transferred from the Federal Bureau of Prisons to the Director to be carried out in the Office for Corrections Research and Development.

The Advisory Board of the National Institute of Corrections which was established by Section 521(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, to supervise the overall policy and operations of the National Institute of Corrections shall remain in effect to perform those functions for which it was statutorily authorized.

- G. The functions of the Federal Justice Research Center vested in the Attorney General and administered through the Office for Improvements in the Administration of Justice, Department of Justice, by an order of the Attorney General, are transferred to the Director to be carried out in the Office for Federal Research and Development.
- H. All functions which are vested by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, in the Associate Administrator, Office of Juvenile Justice and Delinquency Prevention are transferred to the head of the Office of Juvenile Justice and Delinquency Prevention in the Institute. The functions vested in the Administration of the Law Enforcement Assistance Administration or its head by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, are transferred to the Director.
- I. The National Advisory Committee for Juvenile Justice and Delinquency Prevention shall advise and make recommendations to the head of the Office of Juvenile Justice and Delinquency Prevention in the Institute instead of the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention as authorized in 42 U.S.C. 5618 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

- J. All other functions which are vested by law in the Law Enforcement Assistance Administration or in its head and which have not been transferred elsewhere, are transferred to the Director. The Director, with the consent of the Attorney General, may, from time to time when determined to be necessary for the efficient operation of the Institute, transfer functions vested by this plan to different component parts of the Institute provided however that no function of the Office of Juvenile Justice and Delinquency Prevention or the Office of Community Anti-Crime shall be transferred elsewhere in the Institute.

Section 3. Abolition

The following are hereby abolished:

- A. The Law Enforcement Assistance Administration
- B. The National Institute of Corrections

Section 4. Coordinating Council on Juvenile Justice and Delinquency Prevention

The Coordinating Council on Juvenile Justice and Delinquency Prevention which was established by Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5616), to coordinate all Federal juvenile delinquency programs shall remain in effect to perform those functions for which it was statutorily authorized.

Section 5. Incidental Transfers

All of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this plan, shall be transferred to the appropriate department, agency, or component at such time as the Reorganization Plan shall become effective except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Attorney General shall provide for terminating the affairs of all agencies abolished herein and for such further measures and dispositions as the Attorney General deems necessary to effectuate the purposes of this Reorganization Plan.

Section 6. Effective Date

This Reorganization Plan shall become effective at such time or times as the President shall specify, but no sooner than the earliest time allowable under Section 906 of Title 5 of the United States Code.



A BILL TO AMEND THE OMNIBUS CRIME
CONTROL AND SAFE STREETS ACT OF 1968

The Law Enforcement Assistance Administration (LEAA) operates pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the authorization contained in that Act for the LEAA program expires on September 30, 1979. The proposed bill extends the assistance and research programs created by that Act for three years. It contains amendments designed to eliminate needless overhead in the program and to make the program more responsive to the needs of State and local governments.

The bill retains the basic financial assistance structure created by the Omnibus Crime Control and Safe Streets Act and follows many of the recommendations made by the Advisory Commission on Intergovernmental Relations after a recent review of the LEAA program. The bill would eliminate all statutory references to the Law Enforcement Assistance Administration and vest in a National Institute of Justice in the Justice Department the authority now exercised by the Law Enforcement Assistance Administration. The Institute would be given authority to carry out civil justice research and development functions.

Implementation of the amendments proposed should prevent the waste of tax dollars and assure that money which is spent produces superior results. The amendments proposed in this bill would eliminate the requirement for the Federal Government to earmark funds for the States for the sole purpose of writing and implementing comprehensive plans for law enforcement and criminal justice. The bill would specify that States and units of local government could apply no more than 7.5 percent of the assistance grants to planning and administration and would specify that every dollar of Federal funds spent on planning and administration must be matched by a dollar of State or local funds. The bill eliminates all other requirements that States and units of local government match assistance grants by providing in cash at least 10 percent of the cost of grant programs or projects with one exception. Under this exception States or units of local government would still be required to match construction projects on a dollar for dollar basis. No funds could be spent for the activities of the advisory boards of regional planning units.

The amendments would also eliminate a number of provisions that now needlessly require States to add hundreds of pages to the plans that they submit for Federal approval. Among the provisions eliminated is one that requires a State to submit a description of its entire criminal justice system. The amendments would also eliminate the requirements that States submit annual plans for prior Federal approval as a pre-condition to the receipt and expenditure of Federal grant funds for criminal justice programs.

The bill would retain the plan requirement but would allow for the submission of a plan for prior Federal approval every three years instead of every year.

Under the current Act, local governments must not only wait for the Federal Government to approve a plan submitted by the State governments before receiving funds, but they must also submit to the States the applications for each and every project in which they propose to spend Federal grant funds. Only after the State government approves these applications can the local government spend the funds. The proposed bill would virtually eliminate that process by allowing the larger units of local government to submit to the State a single application for all proposed projects each year and by specifying that States must provide the funding for such applications unless the State finds for good cause that implementation of the local project would be inconsistent with the overall State plan. The bill would specify that larger units of local government would be entitled to receive a specified share of the funds made available to the States. The bill would also allow Federal funding of State and local projects for a five year period.

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Justice Systems Improvement Act of 1979."

Section 2. Title I of the Omnibus Crime Control and Safe Streets Act is amended as follows:

- (1) Section 101(a) and (b) and the words "Part A - Law Enforcement Assistance Administration" are deleted.
- (2) The second sentence of Section 101(c) is deleted and the section renumbered as Section 101.
- (3) The words "Part B - Planning Grants" are deleted and the words "Part A - Grants for Justice Assistance" inserted in lieu thereof.
- (4) Section 202 is deleted.
- (5) Section 203(a) is amended by:
 - (a) Deleting the first sentence of Section 203(a)(1) and inserting the following in lieu thereof: "Any State desiring to participate in the grant program under this part shall establish or designate an agency to serve as a State planning agency."
 - (b) Deleting in the fifth sentence of Section 203(a)(2) the word "The" where it first occurs and inserting the word "Any" in lieu thereof.
- (6) Section 203(b)(1) is amended by deleting the words "Part C" and inserting "this part" in lieu thereof.
- (7) Section 203(d)(3) is amended by deleting the words "Part C, an annual" and inserting the word "this part, a" in lieu thereof.
- (8) The second and third sentences of Section 203(d) are amended by deleting the word "annual" in each sentence.
- (9) Section 203(e) is amended by deleting the word "annual" in the first sentence.

(10) Section 203(f) is amended by:

- (a) Deleting in the first sentence the number "50,000" and inserting "25,000" in lieu thereof.
- (b) Deleting in the first sentence the words "under this part" at their first occurrence and substituting the following words in lieu thereof "and made available for planning and administration under Section 306(c)."
- (c) Deleting in the first sentence the words "under this part" at their second occurrence and substituting the following words in lieu thereof "and made available for planning and administration under Section 306(c)."
- (d) Deleting the last sentence thereof.

(11) Sections 204 and 205 are deleted.

(12) Immediately following Section 206 the words "Part C - Grants for Law Enforcement Purposes" are deleted.

(13) Section 301 is amended by:

- (a) Deleting subsection (a).
- (b) Adding the following new paragraph at the end of relettered subsection 301(a): "(15) the development and preparation of plans pursuant to Section 203 and Section 303(b)(4)."
- (c) Deleting the number "90" in the second sentence of subsection (c) and inserting "100" in lieu thereof.
- (d) Deleting the fifth sentence of subsection (c).
- (e) Deleting subsection (d).
- (f) Relettering the subsections.

(14) Section 302 is amended by:

- (a) Deleting subsection (a).
- (b) Deleting the words "Each year, the" in subsection (c) and inserting "The" in lieu thereof.

- (c) Deleting the words "an annual" in the first sentence of subsection (c) and inserting "the" in lieu thereof.
 - (d) Deleting the words "Part B of" in the first sentence of Subsection (c).
 - (e) Deleting the words "annual" in the last sentence of subsection (c).
- (15) Section 303(a) is amended by:
- (a) Deleting the words "one year" in the first sentence and inserting the words "three years."
 - (b) Inserting in the first sentence of subsection (2) following the phrase "in the immediately following fiscal year" the following: "and that those units of general local government or combinations thereof which meet the requirements of Section 303(a)(4) shall receive no less than 90 per centum of their proportionate share of the total local law enforcement expenditures."
 - (c) Inserting a semicolon after the words "criminal justice" and deleting the remainder of the first clause of subsection (2) up to but not including the words "Per centum."
 - (d) Deleting the words "for approval or disapproval, in whole or in part" in the first sentence of subsection (4).
 - (e) Deleting the last clause of subsection (4) beginning with the word "approval" and inserting the following in lieu thereof: "Such plans shall be deemed approved unless the supervisory board of the State Planning Agency finds for good cause in writing that implementation of such plan will be inconsistent with the overall State plan."
 - (f) Deleting the words "reasonable period" in subsection (9) and inserting "five years."
 - (g) Deleting subsections (5), (6), (7), (13) and (14) and renumbering the remaining subsections accordingly.
- (16) Section 304(b) is amended by deleting the word "annual" in the first sentence thereof.

(17) Section 306 is amended by:

- (a) Deleting subsection (a)(1) and inserting the following in lieu thereof:

"(1) Funds shall be first allocated among the States for grants to State planning agencies. In allocating these funds among the States the Administration shall allocate \$_____ to each of the States and it shall then allocate the remainder of these funds among the States according to their respective population and"

- (b) Deleting the words "Fifteen per centum of such" at the beginning of subsection (a)(2) and inserting the words "The remaining" in lieu thereof.
- (c) Deleting in subsection (a) the words "The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of Section 301 of this title shall apply to a grant under such paragraph."
- (d) Adding the following new subsection:

"(c) In accordance with regulations promulgated under this title a portion of any allotment to any State under Section 306(a)(1) shall be available to develop a State plan or for other pre-award activities associated with such State plan and to pay that portion of the expenditures which are necessary for efficient administration including monitoring and evaluation. Not more than 7 1/2 per centum of the total allotment of such State shall be available for such purposes except that any amount expended or obligated by such State, by its courts or by its units of local government or any combination thereof from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State or by such units or combinations from State or local funds as the case may be. Such matching funds shall be of money appropriated in the aggregate by State or individual units of local government for the purpose of the shared funding of such planning or administrative efforts. No funds appropriated under this title can be used for the activities of the advisory or supervisory boards of regional planning units."

(18) Section 402 is amended by:

- (a) Deleting subsection (a).
- (b) Deleting in subsection (c) the fifth, sixth, seventh, eighth, tenth and eleventh sentences.
- (c) Renumbering subsections (b) and (c) as subsections (a) and (b), respectively.

(19) Section 406(a), (b), (c), and (d) are amended by deleting the word "Administration" wherever it appears and inserting in lieu thereof the words "Attorney General".

(20) Section 452 is amended by inserting a period after the word "Administration" second occurrence and deleting the remainder of the sentence.

(21) Section 453 is amended by:

- (a) Deleting the letter "C" in subsection (3) and inserting the letter "A" in lieu thereof.
- (b) Deleting the characters "(5)", "(6)", "(13)", and "(14)" in subsection (10).

(22) Section 502 is amended by adding the following new sentence at the beginning thereof: "There is hereby established in the Department of Justice under the general authority, policy direction and general control of the Attorney General, 'The National Institute of Justice.'"

(23) Section 503 is deleted.

(24) Section 504 is amended by deleting the words "any member thereof or".

(25) Section 505 is deleted.

(26) Section 506 is amended to read as follows: Title 5 of the United States Code is amended as follows:

- (a) Section 5314(55) is amended by deleting "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Director of the National Institute of Justice".

- (b) Section 5315(90) is amended by deleting "Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Deputy Director of the National Institute of Justice".
 - (c) Section 5315(113) is amended by deleting "Deputy Administrator for Administration of the Law Enforcement Assistance Administration".
 - (d) Section 5316 is amended by adding at the end thereof "additional officers of the National Institute of Justice (1)".
- (27) Section 515 is amended by deleting in the first sentence the words "and under the direction of the Administrator".
- (28) Section 519 is amended by inserting the words "approved that year" after the word "plan" in subsection (1).
- (29) The word "Administration" or "Law Enforcement Assistance Administration" is deleted wherever it appears and the words "National Institute of Justice" substituted therefore, except under Section 406(a), (b), (c), and (d) and Sections 701 and 704. The words "Attorney General" shall be substituted for the word "Administration" in Section 701 and 704.
- (30) Section 520 is amended by:
- (a) Deleting the first sentence of subsection (a) and inserting the following:

"There are authorized to be appropriated for the purposes of carrying out this title such sums as are necessary for the fiscal year beginning on October 1, 1979, and for each of the two succeeding fiscal years."
 - (b) Deleting the letter "C" in the last two sentences of subsection (a) and inserting "A" in lieu thereof in each sentence.
 - (c) Adding the following new subsection:

"(d) Funds appropriated for the purposes of Section 306(a)(2), 402 and 515(b) may be used for civil justice as well as criminal justice programs, projects, and activities."
- (31) Section 523 is deleted.
- (32) Section 670 is deleted.

SECTION-BY-SECTION ANALYSIS

Section 1 specifies that the Act may be cited as the Justice Systems Improvement Act of 1979.

Section 2 amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968 in a number of ways.

Sections 2(1) and 2(2) would delete statutory provisions which establish the Law Enforcement Assistance Administration in the Department of Justice.

Sections 2(3) through (6) delete provisions of the Crime Control Act which require LEAA to make grants to States for the establishment and maintenance of State planning agencies. These sections together with some of the following sections merge the Part B planning grant programs under the current Act with the Part C action grant programs. Section 2(5) eliminates a provision inferring that states must establish regional planning units.

Sections 2(7), (8), and (9) delete requirements for an "annual" judicial plan.

Section 2(10) changes the funding pass through to judicial planning committees from \$50,000 to \$25,000. This amendment should be read in conjunction with Section 2(18) which requires that the States and units of local government match each Federal dollar used for planning with a dollar of State or local funds.

Section 2(11) deletes planning fund limitations and the allocation formula for planning funds.

Section 2(12) deletes unnecessary language.

Section 2(13) amends Section 301 as follows:

- (a) Subsection (a) deletes unnecessary language.
- (b) Subsection (b) removes a distinction between former Part B and Part C and authorizes States to use Federal funds for planning activities.
- (c) Subsections (c) and (d) eliminates the requirement that States and local governments provide matching funds in order to receive Federal assistance.

- (d) Subsection (e) eliminates a provision specifying that no more than one-third of any grant can be used for compensation of criminal justice personnel unless they are engaged in research, demonstration or other short term programs. A similar amendment is made in Section 2(17).

Section 2(14) amends Section 302 in a number of ways:

- (a) Subsection (a) deletes unnecessary language.
- (b) Subsections (c), (d), and (e) delete references to an "annual" judicial plan.

Section 2(15) amends Section 303 in a number of ways:

- (a) Subsection (a) eliminates the requirements of the Crime Control Act for the annual submission of plans and substitutes instead a provision authorizing States to issue a single plan to cover a three year period of expenditures.
- (b) Subsection (b) amends Section 303(a)(2) to require that larger units of local government be entitled to receive a specified share of the funds made available to each State.
- (c) Subsection (c) eliminates the requirement that States pay a portion of the matching funds for programs carried out by units of local government.
- (d) Subsections (d) and (e) amend the Act to give major units of local government stronger control over the expenditure of grant funds awarded under this Act. The amendment would allow the larger units of local government to submit to the State a single application for all proposed projects each year. It specifies that such application would be deemed automatically approved unless the State finds good cause that implementation of the application or portions of the application would be inconsistent with the overall State plan.
- (e) Subsection (f) eliminates the requirement that States assume the cost of LEAA funded programs after a reasonable period of time and substitutes a provision authorizing them to use funds for a five year period.
- (f) Subsection (g) is directed to eliminating provisions that have helped contribute to much of the red tape and paper submissions in the LEAA programs. Subsection (g) eliminates provisions that:

1. In Section 303(5) and (6) require States to submit to the Federal Government extensive amounts of data on the structure and operation of their criminal justice systems.
2. In Section 303(7) require States to undertake research and development efforts in order to receive funds.
3. In Section 303(13) require States to maintain data for eventual evaluation of State programs by the Federal Government.

Section 2(16) deletes a reference to the "annual" judicial plan.

Section 2(17) amends Section 306 to provide that each State shall first receive \$_____ for grants under Section 306(a)(1) and shall then receive a proportionate share of the remaining funds based on their population. This provision is written to assure that smaller States receive approximately the same share of funding they are receiving under current law. Section 306(a)(1) and (2) are also amended to eliminate requirements that funds appropriated for Part B be divided up on a basis that requires 85% of the funds to go to states and units of local government on an entitlement basis and that requires 15% of the funds to be awarded at the discretion of the Federal Government.

Section 2(17) also places a limitation on the amount of Federal funds that can be spent for planning and administration. This section provides that no more than 7 1/2% of the total Federal assistance funds can be spent on planning and further provides that States or units of local government must match each Federal dollar with a State or local dollar. The match must be in cash. This section also provides that no funds appropriated under this title can be used for the activities of regional planning unit boards.

Section 2(18) eliminates references to the National Institute of Law Enforcement and Criminal Justice. Section 2(18) also eliminates a requirement for the preparation of an annual report on research.

Section 2(19) deletes references to the Administrator of the Law Enforcement Assistance Administration.

Sections 2(20) and (21) make technical amendments necessitated by earlier amendments in the bill.

Section 2(22) establishes the National Institute of Justice under the general authority of the Attorney General.

Section 2(23) deletes a provision that limits the authority of the Attorney General to transfer functions created by the Act to different components of the Justice Department.

Sections 2(24) and (29) eliminate references to the Law Enforcement Assistance Administration in the Act.

Sections 2(25) and (26) amend title 5 of the United States Code to provide for executive level appointments. No new positions are created by these amendments.

Sections 2(27) and (28) make technical amendments necessitated by earlier amendments.

Section 2(30) amends Section 520 in three ways:

- (a) Subsection (a) provides a three year period for operation of the program for such appropriated funds that are necessary.
- (b) Subsection (b) makes a technical amendment necessitated by earlier amendments.
- (c) Subsection (c) provides that demonstration grants, research grants, and contracts and technical, evaluation, and statistics grants and contracts can be used for civil justice activities. This authority is in addition to that already contained in the Act which allows the funding of civil justice activities of courts and other adjudication agencies when the criminal justice functions of these agencies cannot be improved without funding civil as well as criminal justice improvement activities.

Section 2(31) deletes an outdated section.

Section 2(32) deletes the requirement that the Attorney General prepare a bi-annual report on Federal law enforcement activities.



Administrative Actions

Significant management actions aimed at easing the transition to the proposed National Institute of Justice could be undertaken almost immediately under existing authorities, while awaiting the more sweeping reforms using authority available under the Reorganization Act of 1977 or revision of the basic authorizing legislation of the LEAA program (the Omnibus Crime Control and Safe Streets Act of 1968, as amended). These reforms could be undertaken simply through administrative action and represent significant departures from past practice in the LEAA program. Even if the reorganization and legislative amendment proposals encounter major Congressional opposition, these administrative reforms described below would represent a meaningful step toward improving the image and increasing the effectiveness of the LEAA program.

1. Integration of National Action (Discretionary) Programs into a Systematic Research and Development Process.

LEAA has over the years funded many different types of action programs (discretionary programs). Some of these programs have achieved positive results, but too few have been carefully designed, tested and evaluated so as to enable the agency to learn systematically from these experiences. LEAA has also invested heavily in research, evaluation and statistical studies. The results of these efforts, however, have not been utilized to the maximum extent possible. Research and action activities need to be routinely linked to one another so that, to the extent feasible, appropriate action program needs affect research priorities and, in turn, research and evaluation results affect action program priorities, design and implementation. To a great extent this critical linkage can be accomplished through concerted administrative action. Such action would require the implementation of an action program development process aimed at the following: the systematic building of knowledge about crime and the criminal justice system, and the development testing, demonstration and evaluation of programs which utilize the knowledge developed. The implementation of such a process would require a comprehensive review of existing LEAA action programs with a view toward eliminating those programs of questionable value or effectiveness and the development of an appropriate organizational arrangement to ensure that future programming is closely linked to the findings of the national research program.

2. Reduction in Appropriation Levels for Federal Support of the Administrative Costs of Comprehensive Criminal Justice Planning at the State and Local Levels (Part B).

The statutory requirements for comprehensive criminal justice planning at the state and local level and the Federal financial

support provided for this function over the last nine years have produced at the state and local level a complex planning and administrative mechanism for the delivery of Federal financial assistance. One of the long range goals of the Department's restructuring of the LEAA program is a dramatic simplification of the delivery of Federal financial assistance to state and local governments through the provision of direct assistance to these governments on an entitlement basis. Preliminary steps in this direction can be taken by administrative action aimed at reducing Federal financial support for this costly and burdensome delivery system through reduced Part B appropriation levels. Action in this direction was initiated with the Department FY 78 budget for the LEAA program where Part B funds were reduced from a \$60 million level in FY 77 to \$50 million in FY 78. A more significant reduction in funding for this function is being proposed by the Department in its FY 79 budget proposal for the Part B portion of the LEAA program.

3. Strengthening the Role of Local Governments in a Restructured Program.

As was previously pointed out, one of the long range goals of the Department's restructuring of the LEAA program is a major simplification of the delivery of Federal financial assistance to state and local governments. Such a simplification, it is hoped, will also significantly increase state and local discretion in the application of Federal funds to priorities and needs as they are perceived by these governments. In the past, local discretion was, however, significantly hampered by requirements that local uses of Federal funds must also meet guidelines developed at the State level as well as the complex guidelines issued at the Federal level. The net result was that the full impact of the "red tape" attached to Federal funding was experienced two-fold at the local (city and county) level. Administrative action can be taken to significantly remedy this imbalance of roles and further simplify the delivery of Federal financial assistance by the issuance of clear Federal guidelines aimed at easing the impact of State generated "red tape" on Federal funds at the local level. This could be done by using existing statutory authorities under the Crime Control Act of 1976, particularly Sec. 303(a)(4). Such an action would, however, be only a preliminary one. To adequately address the complex problems of State and local roles in the program and to significantly streamline the delivery of financial assistance to State and local governments significant legislative change would be necessary.

4. Improved Training for State and Local Officials in New Criminal Justice Program Techniques.

The real impact of a refocused Federal research role in criminal justice will be felt only if the products of this Federal research and demonstration program are quickly and effectively transferred to State and local governments who have the primary responsibility for law enforcement and criminal justice. One of the most effective mechanisms for accomplishing this transfer is a well designed and relevant Federal training program. Although LEAA has had limited training programs in advanced criminal justice practices in the past, the new image and significantly enhanced Federal R and D role will require a much more systematic and widespread training of State and local officials. This acceleration of Federal training efforts can also be accomplished through administrative action.

5. Experimentation with the Use of National Discretionary Funds as Incentives for New Concepts.

One of the major proposals considered by the Department in the restructuring of the LEAA program included the concept of creating a special national incentives fund that would be used to encourage State and local governments through financial incentives to use their formula financial assistance funds in the implementation of nationally endorsed program models and standards. As recommended, this incentives fund would work in the following manner:

- a) As program models are developed in the research program they would be tested, evaluated and demonstrated by the Federal government in cooperation with State and local governments;
- b) After completion of demonstration, such program models or standards would be available for broad national replication. A special implementation incentives fund would be retained nationally to encourage implementation of these models by the State and local government recipients of direct assistance funds. Under this implementation program, the Federal government would be willing to pay a significant portion of the implementation costs of the program model for a specified period of time, if the recipient government was willing to pay the remaining costs out of its direct assistance funds. Using such an implementation fund, the Federal government could assume as much as 50 percent of the implementation costs. State and local governments would in reality be

allowed to use Federal formula financial assistance for the implementation of such programs. In this way the Federal government would be encouraging the use of the formula assistance funds for the achievement of national objectives through the use of proven methods, while at the same time permitting State and local officials to determine the uses of these funds most appropriate to their needs.

Limited experimentation with the concept could be undertaken through administrative action alone. It is recommended that such administrative experimentation take place as a preliminary step to statutory authorization of this concept.

6. Streamlining Management Processes throughout the Agency.

Obviously much could be done through administrative action to improve the management processes of the LEAA program and to pave the way for the management structure which will be necessary for the proposed National Institute of Justice. Preliminary steps have already been taken through the closing of the ten LEAA regional offices, thereby eliminating a major level in the LEAA delivery system and thus streamlining the LEAA program structure. Additional steps must also be taken to continue this streamlining effort:

- o The specification of clear program objectives for the agency which reflect the new image and focus of agency programs as well as the priorities among those objectives;
- o The development of new and more simplified management reporting mechanisms which emphasize program effectiveness and management accountability;
- o The development of an appropriate organizational structure and the reallocation of personnel to reflect the new focus of the program and to ease the transition of the proposed National Institute of Justice; and
- o The streamlining of grant processing and close-out procedures to free up critical personnel for more productive activities related to the new mission of the agency.

Each of these actions could be undertaken immediately through administrative action and would contribute significantly to a new image for the agency.

7. Streamlining State Planning Requirements.

LEAA is presently participating in the Interagency Task Force on Federal Planning Requirements created as a Presidential initiative to streamline Federal planning requirements imposed on State and local governments. As a result of the comprehensive review of LEAA State planning guidelines undertaken as part of this effort, LEAA has already identified several major initiatives which can be undertaken in FY 78 in order to streamline by administrative action the planning requirements which it imposes on State and local governments. Specifically in FY 78, LEAA is undertaking the following:

- o Shifting the State comprehensive plan to a multi-year cycle (3 year cycle) with an annual update rather than requiring the submission of a complete comprehensive plan each year;
- o Reducing many application requirements connected with the planning grant application to a more simplified certified checklist, thus reducing the burden of documentation required in support of the grant application;
- o Reducing many former grant application requirements to general conditions on the application form; and
- o Simply eliminating other burdensome reporting requirements.

As further opportunities for "red tape" reduction are identified by this Interagency Task Force, they will be implemented as expeditiously as possible.

THE WHITE HOUSE

WASHINGTON

Date: November 21, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat
Bob Lipshutz
Frank Moore (Les Francis) *asked*
Jack Watson
Jim McIntyre
Richard Pettigrew

FOR INFORMATION:

The Vice President
Jody Powell

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: The Law Enforcement Assistance Program

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 Noon

DAY: Wednesday

DATE: November 23, 1977

*Tuesday
11/29/77*

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

*Joint
memo being
prepared by
SE from
all - exp
Tues*

Date: November 21, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat
Bob Lipshutz
Frank Moore (Les Francis)
Jack Watson
Jim McIntyre
Richard Pettigrew

FOR INFORMATION:

The Vice President
Jody Powell

XC: Tate ✓
Cable ✓
FM ✓

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: The Law Enforcement Assistance Program

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 Noon

DAY: Wednesday

DATE: November 23, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

Please note other comments below:

☒ No comment.

Don Tate
SL

This entire pkg ~~is~~ must be plugged into the overall timetable the VP's group is doing. Also, we should consult with Rodenas staff.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)